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The Rape of LaBelle

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The Rape of LaBelle

BY
HARRY_HAHN

With an Introduction by
THOMAS HART BENTON

Illustrated



FRANK GLENN PUBLISHING CO., INC.
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1946

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First Edition

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To
CONRAD HUG, SR.
(1869-1929)
A LOYAL FRIEND
AN HONEST ART DEALER

The Rape of LaBelle

■

“The point is simply that the clan was summoned” . . .

. . . Royal Cortissoz

■

Publisher's Note

The art world can be greatly benefited by the expose in this book. Honest and forthright art dealers will applaud it. They have nothing to fear from it. Other dealers, whose sales methods are questionable, may condemn it. Exposures of frauds that have been imposed on the public, while shocking, can prove to be of great and lasting value. Within a few years, the result may be that our art collections will have been purged of questionable items. Then the public may well have confidence in what is exhibited and offered.

An example of this occurred in the world of literature twelve years ago. In 1934, John Carter and Graham Pollard, in *An Inquiry Into The Nature of Certain Nineteenth Century Pamphlets*, published an exposure of the fake production of many rare first editions by one of the world's greatest bibliophiles, Thomas J. Wise. Mr. Wise occupied a preeminent position in the world of books, and had accumulated one of the finest libraries in England, the Ashley Library, which is now in the British Museum. He was the author of numerous scholarly bibliographies, and his word in this field was law. Not only was Mr. Wise found guilty of literary forgeries, but other great names, names which had become highly respected throughout the world by scholars, as well as by collectors and dealers, were involved.

For a time it seemed the book world would be shaken to its very foundation by this expose. A lack of confidence might have resulted, and all first editions been subject to suspicion. The opposite actually happened; while stunned at first by the disclosures in this work, all honest dealers welcomed the revelations of Pollard and Carter, and did everything possible to assure its wide distribution. In doing so, they proved beyond question their honesty and integrity, and a greater confidence than ever before in the long history of that profession has returned to the world of rare books.

PUBLISHER'S NOTE

It is the sincere hope of the publisher that this work will prove as beneficial to the art world as the Pollard and Carter book was to the world of literature.

Grateful acknowledgment is made to all the advance subscribers for the first edition of THE RAPE OF LA BELLE. The availability of paper stocks and the time involved for classifying the advance subscriptions precludes our acknowledging a complete listing of all the subscribers herein. The interest already shown in this volume has exceeded all our expectations and the following names chosen at random from our advance subscription lists is indicative of the attention which this volume commands in the art world.

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To the thousands of other individual subscribers, Public Libraries, students of art, technicians and others, the publisher wishes to thank you for your patience in awaiting the publication of this long delayed volume.

THE FRANK GLENN PUBLISHING CO., Inc.

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Introduction

This book by Harry Hahn explores boldly into a racket which has been well protected by the indiscriminate buying habits of American universities, museums and foundations, as well as by the vanities of men in high social places. It provides also a fascinating story which unravels itself like a detective drama wound about mysteries of identity. A young lady through the plotting of devious characters is deprived of her family name and loses her fortune. Mr. Hahn, setting himself up as detective extraordinary, spends fifteen years reestablishing her rightful place. In so doing he learns many things. He delves into the dusty records of dead kings, into the involved and difficult techniques of fifteenth century painting, into microphotography and X-ray analysis, as well as into the practices of picture dealers and picture fakers. He exposes the pretenses of art experts, the mental flightiness and even sometimes the outright dishonesty, of those who set themselves up as aesthetic arbiters. Though mostly concerned about the name and pedigree of his young lady and the machinations of those intent on assaulting her, he also develops timely criticism of the ethics of the modern collector and museum officials.

Mr. Hahn's story also carries a moral. He makes it plain that the history of art, as manifested in its objects, cannot be entrusted to those who stand to profit by its exploitation. Where history is not, they will make it. He shows as well, that it is not

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safe in the hands of those who represent millionaire endowed institutions, nor those who put on the intellectual and aesthetic fronts for the socially well placed but artistically ignorant trustees of these. He shows by quotation and record how such functionaries can twist their learned pretenses to occasion, and thus side with the exploiters. The love of art, Mr. Hahn reveals only too well, does not protect against the temptations of a cash cut or a fine place in the esteem of those who are well-heeled and who take a fat pride in the ownership of things with impressive names which are beyond the reach of ordinary citizens.

There is much in Mr. Hahn's book which I have publicly talked about. I have long been profoundly suspicious of America's old master mania. I have been suspicious of the institutions which encouraged it, and of the secretive and often oblique characters there reigning, who make of art and the history of art a sort of perfumed carcass. I have been suspicious of writers on art, of the whole tribe of critics, university aesthetes and lecturers to ladies clubs, who have planted and cultivated our contemporary hedge of aesthetic jargon. This hedge is now so thick, so lush with intertwining tendrils of linguistic idiocy, that no sane man can stomach it. I have spoken my piece about all this many times.

It is more because of the sideline revelations of Mr. Hahn's story, than because of the rehabilitation of this lady, that I welcome this book. It is nothing to me that a new Leonardo da Vinci is hauled up. I am well content with reproductions of the master's drawing. A newly discovered Leonardo is, to my way of thinking, just another old picture—and to hell with it! What concerns me is vastly more important than another example of an historical style. We have enough history, and particularly European history, here in the United States, to fill all the needs of our students for generations to come. And we have enough fake history, retouched history and inconsequential history, to satisfy all the needs of any new crop of parvenus who are urged to consecrate their salons with what Mr. Hahn calls "dollar mark" names.

What concerns me, and what should concern any patriotic American, is not the importation of art but its making. Since the

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middle of the last century there has been no American art. There have been American artists here and there, but a few isolated artists do not make an art. In its broad aspects, what we now call American art is a rank imitation of European modes.

By the turn of this century there was practically nothing left of dynamic American expression. The days of George Caleb Bingham, and of the Currier and Ives prints, even the days of the Hudson River school so early bastardized into mere prettiness, were gone. Ryder, romantic dreamer, and Eakins, over-meticulous realist, were still living. Henri and his "ashcan school" were in revolt and properly orientated, but were without methods and knowledge. It is an extraordinary matter, and indicative of the already deep inroads of colonial attitudes into American aesthetic psychology, that when the famous Armory show* was brought to America in 1913, there was little sentiment sufficiently resolute in America to stand against it. The habit of looking abroad had become too deeply ingrained. George Bellows was unaffected; and it is interesting to note the rise of his stature in these later days. Practically all other talents abdicated instantly and utterly. Let me admit here that I had myself fallen some years before, or rather, that my early training was such, that it never occurred to me I could be an artist except by going to Europe and borrowing my forms. Art education in the United States in my student days was even more subservient than it is today. Millionaire imports and the establishments of museums devoted to these had already had their effects in the setting of aesthetic goals beyond the terms and meanings of American culture.

The Armory show, let me point out here, was different from the usual picture dealer's expedition into a monetary sucker market. Although dealers participated by lending some of the objects shown, the Armory show was the outcome of a feeling of bankruptcy and failure on the part of American artists —

*The Armory Show of 1913 was an International Exhibition of Modern Art given under the auspices of American Painters and Sculptors. It introduced to America modern painters and sculptors of Europe. It was the beginning of modern art and decoration in America.

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American artists who were at that time much above the average run of their fellows in energy and intelligence. It is a sad commentary on American aesthetic conditions that while a great part of the revolt of these artists was directed against the further degradation of French impressionism which was then becoming attenuated in American galleries and academies, they should turn to the same European source for rejuvenation. It is strange that they could so turn without thinking how like causes produce like effects, and that the new models would surely produce meaningless attenuations in their own time.

The organizers of the Armory show were, however, no worse off in this matter of penetration than was I. None of us had learned yet that while it is possible to borrow tools — technical and organizational methods, — it is not possible to borrow forms. Forms grow out of contents provided by the social and aesthetic situation of specific cultures. European conditions produced the forms of the Armory show. As such conditions did not prevail in the United States, similar forms could not be created. They could only be imitated.

The American artist is, however, to all appearances without the intellectual courage necessary for creating forms. Maybe he possesses no originality at all, but only a talent for mimicry. Certainly there is little evidence that he is able to think for himself or even speak in any of the terms of his culture. What he might possibly have possessed in the way of original seeing and doing—and it is hard to think of his being therein utterly deficient, in view of his manifest technical abilities — has been withered by the colonial atmosphere in which he has had to work. His intellectual potentialities and his social sensibilities have had no chance to grow. His mind has had too little to feed on, too little at least which would nurture its growth toward originality.

The major cause of the condition which developed this aesthetic cripple can be traced to situations and personalities similar to those figuring in Mr. Hahn's story. It can be traced to the combination of heroic cash surpluses, extraordinary and gullible van-

ities and cash hungry adventurers. The background of contemporary American art, in its over-all aspects, is not a creative background, nor a scholarly background, but one of snobbery and pretentious assumption under the control of tricky European marketeers. All this Mr. Hahn shows. He does not show, however, the long-time effects which this situation has had on American cultural expression, or the later effects of such importations as came from the Armory show.

This is, to my mind, the most serious aspect of the whole art business. By the concentration of attention on the importation of expressions from other cultures, and by treating art as if it were mainly a procession of objects found only on other shores, American art as a living reality is suppressed. It is suppressed by relegation to an inconsequential position. It is discouraged from attempting anything more than an imitation of imports because these, and these only, set the standards of aesthetic value in influential American buying circles.

There can be, of course, no sane objection to considering or collecting art objects which represent cultures other than our own. The aesthetic history of our human past and of our brothers of other lands should be within reach of the student and technician. The evil is not in history, or in the possession of objects of history, or in recognizing the existence of exotic expressions. The evil is in the creation of an atmosphere of ultimate preciousness about collections of these—an atmosphere of unapproachable superiority which extends itself even into the manners and attitudes of those hired as caretakers.

The owner of an old master, or even of one of the masters of the Armory show, who has received dealer canonization, develops a curious psychology. Although he may never have concerned himself much about art, the moment he possesses a picture with a big name he suddenly becomes an authority, and judges dogmatically and with certitude about all aesthetic matters. He is, of course, encouraged to this state by the dealer who sells him. A psychological kinship is thereby set up and the assumption of superior discernment on the dealer's part is protected by being

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shared. The customer becomes a member of an inner circle which, from the heights of superior or supposedly superior aesthetic possessions, looks down with disdain on the poor and struggling workaday world of American aesthetic thought and expression. The dealer in imported art, through this involvement of his customers' allegiances, perpetuates the pretense that only what he approves of and handles can be art. He establishes a superiority over art as a living thing. A salesman becomes, thus, the arbiter of expressive values, even in the supposedly free world of "ultra-modern" American experimentation.

Mr. Hahn shows how well many American millionaires, and the foundations they have established, have been worked by the old master game of precious pretenses and hidden greeds. He also shows how easily it leads to outright fraud, and how neatly history can be manufactured for pocketbooks tied with the strings of vanity. So far as mere millionaires are involved, this is not of great consequence. No one is much concerned about the rooking of a few millionaires—they can afford it; but it is a different matter when those who direct these rookings by their opinions and by their alliances with directors and functionaries of public institutions also rook the American public. They accomplish this by elevating tenth rate old paintings, often restored until they have no historical value whatever, and even downright fakes, to such positions of ultimate superiority that no living artist can hope to compete with them. It is a serious matter when American culture is rooked of its expressive voice by having that voice treated as of no consequence against even the feeblest utterances of history or the loosest experiments from abroad. It is serious when hundreds of thousands of dollars go into dealers' pockets for imports frequently questionable, and when only an occasional pittance goes toward stimulating an original voice in America.

The milking of old-master-conscious big businessmen, and the shutting out of competitive opportunities for living artists by the thirty year clauses of their foundations, and the hiring for the education of socially elite ladies, of gentlemen who behave as though they perfume themselves before they go to bed, might not

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altogether be able to hinder the development of an American art. But the business of flummery and pretense does not end in these upper millionaire reaches. It comes down much further. For those who cannot afford the extraordinarily fancy prices rigged up for "old masters," there are other imports. Less ambitious dealers than are the old master experts have found out that anything will do just so it comes from abroad. After the Armory show opened its new field, no American with a few hundred dollars need stay down to the vulgarity of his own land with his artistic possessions.

Coupled with the superiorities of history, a new idea is now nurtured by the dealers. Special geographical superiorities in aesthetic responsiveness and ability are declared, and a new market is rigged to take the lesser suckers. Modern art with a Parisian stamp affords cheaper superiorities than do old masters, but it is still quite effective for showing your friends how sublimated are your tastes. But even this last gag of the picture dealers might fail to stop the advancement of American art, were it not for the fact that they have captured also that final bastion of cultural defense, the aesthetically interested intelligentsia. These have been so corrupted that they can no more speak except in a borrowed language. Thinking is out of the question for them. The habit of supine acceptance in aesthetic matters leaves them intellectually impotent. This impotence makes them fretful, peevish, and given to occult imaginings and involved defensive rationalizations of position. Any of the art magazines you pick up today verify this. These magazines contain more affected drivel than can be found even in the sheets of California Yogis. As you read them, the whole art world appears to be made up of moaning, whining and gibbering idiots.

I have expressed my opinions about art critics before, and in many places. The professional critic is a frustrate who is always cockeyed in his views. There is bound to be something the matter with anyone who does a weekly stint on art. He is either a confirmed show-off, or has hypnotized himself by stringing meaningless words together. He is certainly not interested in ideas,

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because no one can have ideas about art every week. There are not enough of them. Even great philosophers could pick up only a few in a lifetime. It is possible to review real aesthetic ideas, and perhaps apply them freshly and intelligently in a well considered book, but to knock them about every week is futile, and reveals a basically stupid and presumptuous mind.

The ordinary art critic, however, has never at any time been of much consequence in developing art movements, so we need waste little time on him. But the more ambitious intellectual careerist, the man who strives to penetrate some of the meanings of society and to relate its various activities and expressions, is different. He has a function with reference to art. Indirectly, he provides patterns of thought about things which stimulate expression about them, and which provide an intellectually receptive audience. Note the relation between the writings of Zola, Gautier and Taine and the French painting of their days. French thinkers invariably have been stimulants to French cultural expression in the arts. This basic intellectual unity has produced the greatness of France—"la Gloire de France." The glory of America is left, nowadays, to the fat in the mouths of southern politicians.

Our American intellectuals have failed us. Few are the articles appearing in the liberal journals which indicate anything but a negative attitude toward the development of forms expressive of America. Our precious intellectuals are as colonial in spirit as are their political opposites the millionaires. By and large, they applaud loudly the Soviet Union's efforts to further the expressions of its various cultures. They seem to think anything comparable in America is an indication of political isolationism and "know-nothingism". Their internationalistic tendencies, idealistically commendable as they may be, have blinded them to the fact that men must live in places, have attachments thereto, and express themselves, if at all, in terms thereof. One world does not mean a world identical in all its aspects or one where all perceptions must conform to and be expressed in the same symbols. Each cultural area should have its voice, its political voice

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and its expressive voice. The latter is the most important in the long run. It identifies and makes actual for history the nature of a people's response to life. It is the only proclamation of their existence which survives, the only proof that they have lived.

The time has come when this matter must be considered. There is some evidence that Americans here and there are in revolt against the imposition of colonial standards on our expressive life. Going business concerns, as well as individual buyers as yet not struck with over pretentious display propensities, are tinkering with the idea of encouraging American forms. This movement is yet feeble, uncertain in its directions, and because of the fact that the American artist, not yet recovered from the assaults of the Armory show, does not know how to throw off his borrowed habits, it is contaminated with aesthetic affectations. However, it is at least vaguely hopeful. It is the more hopeful because it is operating without benefit of professional aesthetes, critics and intellectuals. These, as above indicated, are currently too far gone in subservience to be of help. A new crop of this tribe will have to grow up with less "intellect" maybe, and more basic intelligence, before it can penetrate below the turmoil of our political surface into the common realities of American life, certainly before it can see that fighting evil does not necessitate the repudiation of one's self, one's fathers, one's homeland and one's voice.

It is possible that the revelations of Harry Hahn's book will awaken a few people to the essentially commercial nature of many of the forces which have moulded the American art world. It is possible that enough will read between the lines to see how the critical and intellectual voices of that world have been taken in by the propaganda of professional salesmen, and have been made the slaves of ideas which are no more spiritual in intent than a wooden nutmeg, or more devoted to the elevation of man's perceptions. If so, another step will have been taken toward freeing the American artist. One of the first requisites in this matter is the transference of some of the commercial backing from imported art to him. He cannot progress without support. If

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America wants a cultural voice she must pay for it. She must also take the certain risk that a good deal of what she pays for will for a long time be worth but little. She must risk the mistakes which are inevitable in the trials and errors of unprecedented experiment. She can rest assured, however, that whatever mistakes are made will be less expensive than those already made in the old master racket.

Thomas Hart Benton

Preface

It was not without a certain uneasiness that I undertook this book. The truth about two paintings on which the attention of the art world was focused for more than a decade is not an easy matter to tell. The full demonstration of the facts carries an element of challenge and accusation pointed directly at the opinions, and in certain instances, at the professional integrity of world famous art experts.

Those in the plush business of selling "old masters" are certainly not going to take sitting down an exposure of the kind contained in this volume. No one ever writes the truth with complete impunity regardless of the subject at issue. Who dares disturb the sanctity and nice equilibrium of a business which has largely been conducted as a pious fraud necessarily becomes a target of defensive machinations.

The habile critics and writers on matters of art, who are "the pen and ink defenses of the old master business," will of a certainty quickly berate the literary aspects of this text. On that score I humbly ask charitable indulgence of my readers. The vernacular of a Middle Westerner is not one that readily lends itself to the elegant flummery of the aesthetes.

Parvenu collectors, art advisors and that polished gentry which frequent the plush art salesrooms and the sanctuaries of dealer-dominated museums are not going to be fond of this volume. Well and good! I have not written nor intentioned it in any sense as a guide for them. I intend it for the public in general and for art students in particular. These, after all, are by far the largest

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users of our public museums into which the majority of private collections eventually pass.

If a large number of the "masterpieces" on which the public is supposed to gaze for the betterment and cultivation of its aesthetic sense are outright forgeries or of dubious ancestry and slight artistic value, then the public has a right to know it. Maybe the public will have sufficient interest and guts to do something about it.

I am indebted to many artists, scientists, connoisseurs and technicians in this country and abroad for information that could not be readily obtained from books. Also, I wish to express my deep gratitude to Frank Glenn for the constant encouragement he has given me, and to Professor Edwin Flemming for the valuable aid he has contributed in the preparation of this book for the press. However, these friends and helpers must not be held accountable for any opinions or statements that are recorded herein. For these, I alone am responsible.

Harry J. Hahn

Kansas City, Missouri
March 1946

The Rape of La Belle

Chapter 1

You are about to examine the facts of the most celebrated art case in history. You will have opportunity to learn how the late Lord Millbank, better known as Sir Joseph Duveen, the world's greatest art dealer, attempted utterly to destroy a beautiful painting from the hand of the immortal Leonardo da Vinci because of his lust for power and a selfish ambition to dominate the art world. Sir Joseph rallied internationally celebrated art experts from the four corners of the earth in support of his bitter attack. Truly, he is guilty as charged in this volume of *The Rape of La Belle*.

June eighteenth, 1920, marks a portentous day in the elite circles of the art world. On that day, Sir Joseph Duveen, head of the international firm of Duveen Brothers, attacked a much discussed picture owned by Mrs. Andree Hahn called *La Belle Ferronniere*. This picture was on the market. Sale agreements were well along. Sir Joseph gave a statement to the *New York World* in which he said, "The Hahn picture is a copy, hundreds of which have been made. The real *La Belle Ferronniere* is in the Louvre."

Now this Hahn painting which Duveen condemned so positively had a history. It was not a secondhand store pickup or a garret item dusted off for sale. It had been given to Mrs. Hahn by her godmother as a very precious wedding present. In the ancestral family of this godmother, which included some of the most illustrious names of France, the picture, always known as a Leonardo da Vinci, had a long and clearly traceable line of private ownership. Furthermore, when Madame Hahn offered the picture for

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sale, it had been expertised, as the *International Studio* later remarked, "by an acknowledged expert of some forty years standing."* Madame Hahn thus made no loose claims about the identity of her painting.

When Sir Joseph made his attack, he had not seen either the Hahn painting or a photograph of it. Merely because the Hahn painting was brought to his attention under the name of *La Belle Ferronniere*, Sir Joseph, in his later testimony, said he was able to condemn it as a copy. He dogmatically proclaimed its counterpart in the Louvre Museum as an unquestionable original from the hand of Leonardo da Vinci. So positive a dictum coming from so eminent a personage in the art world could have no other effect than to destroy the value of the Hahn painting. That consequence was noted within a very short time. Negotiations for the sale of the Hahn painting were immediately terminated.

Madame Andree Hahn, owner of the painting, thereupon instituted suit against Sir Joseph Duveen, contending that her property rights had been invaded. Sir Joseph contended that the right of free speech would be destroyed if such statements of opinion as he gave to *The New York World* could not be made in good faith regarding a painting which was before the public for sale. This painting had been the subject of numerous newspaper and magazine articles not only in France and the United States, but throughout the world.

After endless delays and postponements during a period of almost ten years, the case of Hahn vs Duveen was called for trial in the Supreme Court of New York State on February fifth, 1929, to be heard before the Honorable Justice William Harman Black.

*"Here, for example is a painting of which the attribution to Leonardo is certified by an acknowledged expert of some forty years standing. Mr. Sortais is and has been a reputable and valid judge of old masters. He stands as high in France as any one, and, after all, the French may lay claim to having more opportunities for studying Leonardo's work than the experts of any other nation. Yet, when confronted with the opinion of this dealer in pictures his certificate falls immediately to the ground. The judgment of any big dealer from a purely commercial point of view (and that is what this lawsuit is about), is worth that of fifty experts. If you buy a Duccio or a Giotto or a Velazquez from one of these dealers you may not in fact get what you are paying for but you will always have a market for your

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The trial lasted twenty-eight days, and is without question the world's most celebrated case of art litigation. Commenting to the jury, Mr. Justice Black stated,* "You have been privileged to sit in on one of the most interesting cases ever tried in any court."

After fifteen hours of heated deliberation, the jury, being unable to agree on a verdict, was discharged by Mr. Justice Black at five o'clock on the morning of March second, 1929. The jury was polled as standing 9 to 3 in favor of the plaintiff, Madame Hahn.

In denying a motion made by the attorneys for Sir Joseph Duveen to quash the suit, Mr. Justice Black said, "The expert testimony in connection with the other facts was enough to have warranted a verdict." As reported in *The New York Times* of March second, 1929, Mr. Ivor B. Clark, one of the jurors, stated that he regretted keenly that the minority had been so stubborn. "Two jurors of the three for Sir Joseph refused to comment or show their attitude," he said, "regardless of the arguments set forth by other members of the jury."

On March twenty-eighth, 1930, a second hearing of the case was set for May fifth following, thereby denying a request made by the attorneys for Sir Joseph for a further adjournment on the grounds that the state of health of Sir Joseph was such as not to permit him to stand further trial until a very much later date. The order for the second trial was issued after the court had received the report of Dr. Sylvestre Leary of Research Hospital,

picture. You run the minimum risk. If circumstances force you to sell your collection the dealers will invariably support their own wares. They cannot do otherwise. And, with all due respect to the great Sir Joseph, we maintain his judgment as a dealer is far more important than his judgment as an art expert. La Belle Ferronniere in the Louvre is not even a great work of art, and has never been so considered." *The International Studio*, March, 1929. The Editor's Page; p. 8.

Author's note: This is a very reasonable suggestion on the part of the Editor of the *International Studio*, but what happens to the value of dealer certified paintings if the dealer dies? Certainly, some dealer support from Sir Joseph Duveen via a spirit medium would have been extremely valuable at the recent Bache sale, if auction prices are any criterion as to painting authenticity.

*See Appendix No. I.

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New York, who had been ordered by the court to make a physical examination of Sir Joseph Duveen.

Peyton Boswell, Sr. commenting in *The Art Digest* on the probabilities of a second trial of the case writes: "Madame Andree Hahn, the nemesis of Sir Joseph Duveen who sued him for \$500,000 damages because he denounced her version of Leonardo da Vinci's *La Belle Ferronniere* without even seeing it, and who has failed to go to Davy Jones Locker as did Edgar Gorer (who sued him for \$200,000), or meet death in a hunting accident as did Mr. Demotte (who sued him for \$200,000), is in New York anxiously awaiting the moment when the second trial of her suit will begin. It has been delayed because Sir Joseph's lawyers have filed papers claiming that because of a recent operation for hernia, he is unable to appear.

"From a private but unquestioned source *The Art Digest* has ascertained that evidence tending to discredit the judgment of certain persons connected with the case has been gathered by Madame Hahn, her husband and her family in France and Italy. The evidence is so sensational in its nature that, if put before the court and thus rendered quotable, the newspapers undoubtedly would print pages of it, and it will work great harm to the trade in old masters and antiques . . . It would seem that the art world, to protect itself, might very well raise a fund of \$5,000,000 if necessary, and use it to close the case between these two stubborn antagonists.

"Max Steuer will defend Sir Joseph at the forthcoming trial. Max Steuer, who is New York's biggest criminal lawyer, has grown famous by the columns and columns of space which the newspapers have devoted to him in the various trials in which he has defended. So clever is Max Steuer in looking after his clients, there is a feeling in the art world that the case of Hahn vs Duveen may never come to trial. It may be 'thrown out' by the trial judge . . . If the case is smothered by the trial judge at its inception, then the evidence so painstakingly gathered by the Hahns will never see the light of print. The newspaper or maga-

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zine that dared publish it would have as bad a time as if all the resources of the Bank of England were arrayed against it."

It will be remembered that during the first trial of Hahn vs Duveen, the defense lawyers were George W. Whiteside and Louis S. Levy, and, for the complainant, S. Lawrence Miller—all being noted for their work in civil cases. The fact that Max Steuer was engaged for the anticipated second defense of Sir Joseph Duveen has pointed significance, as Mr. Steuer has specialized in criminal defense. On the Steuer appointment as defense counsel, the editor of *The Art Digest* again comments, "Mr. Steuer is noted for the vigor with which he defends an accused criminal. It is suspected that Steuer methods, rudely applied, may induce the urbane Mr. Miller to do something which he refrained from doing at the last trial—that is, trying to place before the jury, in some form, the fact that Duveen Brothers was once adjudged by the United States Government guilty of smuggling, and that members of the firm compromised by paying more than \$1,000,000 in fines to the United States Treasury."

On April fifteenth, 1930, only a few weeks prior to the date set for the second hearing of the suit, Sir Joseph Duveen paid Madame Hahn a substantial sum in settlement out of court. Sir Joseph, in this settlement, further admitted the great antiquity of the Hahn painting, and foreswore any attempt to impugn the motives or good faith of Madame Hahn, asserting that he was never inspired by any desire to injure her. Thus ended, as far as legal proceedings were concerned, the case of Hahn vs Duveen.

A review of the six ponderous volumes of the testimony in this celebrated case provides much illumination on the professional qualifications of the witnesses. This testimony was given by ten world famous art experts who appeared for the defense, as well as by the world's greatest art dealer. At an early date, it was evident to Sir Joseph that he had bitten off quite a mouthful in condemning the Hahn painting. He saw that he was going to have the most serious art battle of his life. It is plainly evident, too, on examining the testimony, that the world's greatest art

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dealer calculated on no "small change" in staking the defense of his reputation as a dealer and critic.

The ten world prominent experts called to his defense by Sir Joseph Duveen were:

- (1) Bernhard Berenson, writer on art, Florence, Italy
- (2) Maurice Brockwell, art critic and writer, London
- (3) Sir Martin Conway, Director of the Imperial War Museum, London
- (4) Sir Herbert Cook, Bart., owner of Doughty House, London
- (5) Capt. Robert Langton-Douglas, formerly Director of the Irish Free State Museum, art critic and writer, London
- (6) Roger Fry, formerly Attache at the Metropolitan Museum, New York
- (7) Sir Charles Holmes, Director of the National Gallery, London
- (8) Professor Arthur Pillans-Laurie, Professor of Chemistry, at the Herriot-Watt College, Edinburgh
- (9) Leonce Marie Nicolle, formerly Attache at the Louvre Museum, Paris
- (10) Professor Schmidt-Degner, Chief Director of the Rijksmuseum, Amsterdam

At first sight, this list of world famous experts appears to be most redoubtable. Such artistic talent brought together in a court of inquiry to testify as to the genuineness of the one or the other of two paintings should have reached unquestionable conclusions. The official court records of the testimony given by these experts in the Hahn-Duveen case are, however, unique for confusion. The record constitutes an extremely valuable and a most comprehensive documentary revelation of the methods employed by art experts of accepted authority. Readers from the art world will no doubt be shocked to find, from a comparison of testimonies given by the Duveen experts, that the great majority of these experts seem to be past masters in the art of recanting long held opinions, if the exigency of the moment so demands.

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My readers will find that, at times, it takes considerable mental agility to follow the Duveen clan of authenticators in their air-spun abstractions and nebulous mumbo-jumbos. When these famous painting authenticators were brought smack up against the hardheaded reasoning of a cross-examiner, demanding facts, solid common sense evidence, we find their opinions taking forms or patterns so erratic that they must be dismissed in many instances as of no comprehensibility whatever. It will patently appear, upon comparison of the testimonies, that the ultimate function of this clique of picture lovers was not primarily to arrive at truth in an important matter of art litigation, but to make anyone who dared disagree with them the object of a shady lampoon.

I have devoted many years to research in the Archives Nationales and the Bibliotheque Nationale in Paris, in order to obtain irrefutable documentary evidence concerning the Hahn painting and the one in the Louvre Museum which were targets of the "expert" guessing in this suit. My research work permits me to reduce conclusions to logic, which is a feat the experts seemed quite incapable of.

Frequently the statement is made that "all art experts are agreed on certain attributions." Especially do we find such a statement current coin in the inner sanctums of the art world. The real fact is that the rationalistic criticisms and attributions dealt out by the Duveen defense experts are in the main nine-tenths subjective, and have no basis whatsoever for comparative agreement. The subjective methods of authentication which these Duveen experts used (with the exception of Professor Arthur Pillans-Laurie and Sir Herbert Cook), are unsound and inadequate. They lead to gross error and, through the frauds they inspire, to incalculable injustice to the public.

The art expert is a powerful factor in the art world. Scores of books have been and are being written by many of these Duveen defense experts, and the opinions they express exert an enormous influence upon the minds of art students. Not only do the sub-

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jective opinions held by these experts affect those who would fathom the depths of the artistic endeavors of mankind, but they are today the major factors in the buying and selling of objects of art—objects of art which eventually find their way into the salons of wealthy patrons of the arts, and what is more important, into the sanctums of public museums. I hold that if the moral honesty of certain of these experts is subject to question, and if their subjective methods of attribution are unsound, the public should be so informed.

Bernhard Berenson, who is the number one man of the Duveen clan, said that in his opinion "the advent of a new Leonardo would be of tremendous importance and an epoch-making event." This opinion of Mr. Berenson's is indicative of the importance, from his point of view, of the court records of the Hahn-Duveen trial. Because of his great reputation as an expert, this opinion is therefore important to the art world and the public.

There really were but two stellar experts for the defendant in the case. All the other experts, which Sir Joseph Duveen called, played secondary roles to those of Mr. Berenson and Professor A. P. Laurie, the scientist. Mr. Berenson was typical of those experts who appraise ancient paintings on the highly subjective basis of a sixth sense intuition. Professor Laurie's testimony can be classed as of a scientific and technical order. It was therefore indicative of facts.

I propose to consider the testimonies of Mr. Berenson and Mr. Laurie, along with those of the other experts, on purely scientific and technical grounds. I propose to measure them in the light of historical documents in the National Archives of France. The authenticity of the painting which Sir Joseph attempted to despoil will thereby be proven beyond all cavil. Also proven, will be a lot of flat knavery and intellectual dishonesty.

There never had been any question among experts as to whether the picture in the Louvre Museum known as *La Belle Ferronniere* was or was not a genuine Leonardo; that question was decided years before the case of Hahn vs Duveen was an is-

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sue. The pointed testimony in the court records shows that prior to June sixteenth, 1920, when Duveen made his statement to the *New York World*, and as late as August fifth of that year, when writing to his London manager about the painting, Duveen himself did not believe the Louvre painting to be authentic; nor did any of the clan of art experts he rallied to his defense ever publicly affirm their belief in the genuineness of the Louvre picture. In fact, their recorded opinions concerning this painting were exactly to the contrary. So were the expert opinions of every other authority, art writer or critic of note*. The very officials of the Louvre Museum doubted their picture.

But the puppet experts of the Duveen defense clan were willing to renege their long held opinions about the non-authenticity of the Louvre picture, because the ring master of the art world's big business had finally opened his mouth too wide and was in serious trouble. They were up against a case of where the Boss said "Eat crow," and they ate crow.

For a long time, I considered the possibility of omitting from this book the names of the experts Duveen called to his defense, but finally I decided that a critique of their sworn testimony would have no point and be of little value unless the public knew whose opinions were being analyzed and compared. I do not deem it sufficient in this important case to indicate that "such and such an opinion was by expert 'A'," who might be in the eyes of the art world an unknown and perhaps incompetent critic. I believe that the art world and the public are interested in the methods of art experts, and especially those attached as defense experts to the world's greatest art dealer. If the subjective opinions of these experts in a court of inquiry are shown to be erratic and at times even downright dishonest, this book will have some

*Besides the published opinions on the Louvre painting by Bernhard Berenson, Langton-Douglas, Maurice Brockwell and Adolpho Venturi of the Duveen defense clan, the following art authorities or critics have also published works expressing their opinions that the Louvre picture No. 1600 is not an authentic Leonardo:

Dr. Osvald Siren, Dr. J. P. Richter, Waldemar von Seidlitz, Henri Verne, Gabriel Rouches, Franz Kugler, Seymour de Ricci, Mallaguzzi-Valeri, Haldane McFall, Wilhelm von Bode, and Dr. Richard Muther.

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significance. It will also furnish the art student with a heretofore inedited documentation of some of the actual technical and aesthetic characteristics of Leonardo's work. This is something much needed because attention to these matters in the past has been so much diverted by the twaddle of artistic criticism that a focusing of their real values has become a difficult operation.

The fact that Sir Joseph Duveen paid \$60,000 to the plaintiff in the suit of Hahn vs. Duveen to save himself and his defense experts the embarrassment of a second trial, is ample evidence that this book will be no stimulant to the dubious business of selling old masters. Nor will it be an elixir to those gullible collectors who expect to memorialize their pretenses to superior culture by passing on their masterpieces to public museums.

The marketing of old masters is a highly specialized business. It takes a considerable amount of tricky know-how. It takes as well the perfect functioning of a clan of experts around a pole of authority such as Mr. Duveen. A painting to be sold at a Duveen figure must of necessity have certification by one or several authenticators. It must have a pretentious pedigree, iron-clad in the event of a source investigation. The world's greatest art dealer maintained a perfect stable of authenticators. He had, as well, an expert on art sales records and conveyances running back to first dispersals. He was tops in the business of fancy packaging.

The affluent Bernhard Berenson, who lives in the ancient and artistic atmosphere of Florence, Italy, held the exalted position of chief authenticator in Sir Joseph's stable. This is proven by Duveen's sworn testimony that he thought enough of Mr. Berenson's opinions to pay him a ten percent commission on the sales price of all the paintings which he authenticated. It may possibly be that this ten percent commission factor was at times the prime reason for some of the attribution bunglings of Mr. Berenson. The artistic conscience of this chief authenticator appears on various occasions to have been guided more by the commission than by the fact. This is an important matter because

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the upper bracket hierarchy of the Duveen clan has the staunch support of those Duveen incubated museum attache and art advisor groups. These groups have authority even yet to make decisions at museums with large endowments. In a single year, a certain Middle Western museum, which is fashionable enough to sport a Duveen canonized art advisor, was responsible for sixty percent of Duveen's sales.

By carefully planned news stories, notes and reproductions in de luxe art journals and sales catalogues, the art world has been so slugged with articles slyly building up the infallibility of certain art experts, that it has been too stupified to inquire on what factual grounds their claims were based. This is a good atmosphere for misrepresentation and fraud. Coupled with the vanities of uneducated but socially important trustees who can easily be worked into a position where their pretensions might be exposed to public ridicule, it is a perfect atmosphere. There is no bigger fool than the fool who pretends to know about matters of which he is ignorant.

The smart and tricky art dealers, like the boys who run the Spanish Prison rackets, are good psychologists. They set their traps in such a way that the victim becomes either an accomplice or an utter boob and is ashamed to make complaints. Perfectly well intentioned and genuinely serious students of art, real experts in their fields, may also be worked into embarrassing positions by the mechanisms of the art trade. An unscrupulous dealer can corrupt an artist and a critic as well as a rich man. Craftsmen, who as men are perfectly honest and who work honestly at the restoration and upkeep of old masters, rarely go in for telling the truth about these restorations. Involvements in the art game are many and devious. That so useful a man as the authenticating expert should escape unscathed is hardly likely. That his scholar's vanity, often quite as great as that of the money maker, should be tickled by flattery and by enthronement to a position of greatness is not astonishing. Nor is it surprising that he stretches a point or so to keep in with those who have helped raise him to his eminent position.

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In the exposures to come in this book, I recognize some of the ordinary human elements involved. If I seem harsh, it is because of the awful pretense of sanctity wrapped about the art business. I want to make a distinction once and for all between art and dealing in art. When works of art become involved in business, they become for the time business goods. They should be recognized as such and subjected to standards of fair and decent business practice.

An Old Master Business in Full Bloom

Chapter 2

The old master business which has flourished so well in late years, and flowered so gorgeously in the United States, is the outcome of relatively new situations and of new kinds of operations in the history of art. The commencement of such operations started off with a bang about forty years ago. It was just about that time that the demand for old masters exceeded the supply of originals. The works of pupils and of clever copyists, along with retouchings and forgeries of all sorts, commenced to inundate the market. Certain sharp minded continental art dealers were quick to grasp the idea that there was a new and rich and gullible America with a large potential of millionaire collectors. These, as big men in their own businesses, would very likely desire bigger and better names on their art. They sensed, with the flair of their kind for cashing in on vanity, that these businessmen, who could have spotted a phoney promotion in their own line clear across the continent, would take for granted the genuineness of any painting if its ornate frame was bemedalled with a big name on a shiny brass plate, and if its pedigree was neatly certified by a classy European "art expert."

James Henry Duveen, of London and New York, who is well qualified to write about the matter, has this comment to make on the origins of art collecting in America. In his recent book, *Art Treasures and Intrigue*, he writes, "Joseph Widener began to collect in the early days when collecting in America was the joke of the old world. All the European fakers worked with an eye on the rich American, a sport which has not

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died out even yet. The more fantastically untrue a story connected with a picture or a work of art, the more likely it was to find an eager buyer among rich Americans."

What James Henry Duveen could have noted further in his book is that right about this blossoming time, the Duveen family went out of the pork-fat and Dutch pottery business and stepped into a more distinguished and lucrative one. The Duveens became dealers in objects of fine art. In stepping from the skimmed milk into the thick cream, the Duveen family enterprise skyrocketed to a fantastic prosperity. So, incidentally, did the business of those who authenticate paintings. The art expert found a practical, if somewhat questionable, place in the world. He left his philosophies and his obscure studies and became a man of the world. If, in the universities and halls of philosophy, his aesthetic interests were looked upon with suspicion because of their uncertain and arbitrary nature, they were welcomed in the game of artistic trading. They gave refinement and an aura of scholarship to what might have been mistaken for raw greed. They provided just what was needed to keep rich businessmen from acting and thinking as businessmen. They made business suspicion appear vulgar and shameful. More important still, they made the element of fact, which is the prime element of business operations, seem inconsequential in the matter of art where its place was taken by other more ethereal concerns. Thus the only platform the businessman collector knew, the platform of factual reference, was kicked out from under him.

The court records of the case of Hahn vs Duveen testify most entertainingly about the Duveen defense experts when questions of fact were at issue. They were quite unable to distinguish between fact and fancy. Mr. Justice Black in his instructions to the jury made this striking comment apropos experts: "You will be wary", he said, "in accepting the conclusions of experts. Because a man says he is an expert does not make him one. An expert is no better than his knowledge, and it is for you to determine how much an expert a witness is." Again, in a written opinion

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denying a motion to dismiss the suit,* this eminent jurist commented, "It is far from my intention to criticize real critics, but by real critics I mean those that begin with facts." When we consider that Mr. Justice Black, presiding at the trial of Hahn vs Duveen, had firsthand opportunity to weigh the sworn opinions of the world's greatest art dealer and his clan of authenticators, his comments about experts and critics are highly significant. They certainly show the Duveen clan's methods of attribution in a fancy light. These attribution methods can be summed up as manifestations of a sort of intuitional sixth sense. This peculiar sense, it appears, permits its possessor to use his delicately attuned inner feelings and emotions as instruments of factual measure.

Mr. Bernhard Berenson says he possesses a mystic "sixth sense," and Captain Langton-Douglas, one of the ten experts for Sir Joseph Duveen, calls his intuitive faculty "a wonderful sense of discrimination." These fancy subjective possessions may be all right for playing at tipping the table, but I contend that they are quite unsatisfactory for reliably measuring the authenticity of works of art. Elements of personal taste or emotion, while personally valid, are quite useless for this purpose.

Giovanni Morelli was the first art critic to discover the shortcomings of intuitive methods of appraisal. He staunchly contended that art criticism should be conducted on a basis of scientific principle; it should follow a strict course of inductive reasoning. Morelli maintained, and with some degree of reason, that there could be detected in the shape of a finger nail or the form of a thumb, or even in the curve of an eyebrow, sufficient evidence to prove that a painting popularly ascribed to Bellini should be assigned to Mantegna, or the other way around.

Morelli's system, at the time of its introduction, had the merit of novelty, and attracted a large number of followers. Despite the fact that he honestly endeavored to apply a new and more practical test to the reliability of attributions, his method had a

*Appendix No. I.

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fundamental weakness. He forgot that first-rate copyists and adept pupils could imitate a master's work with such accuracy and fidelity that the master himself might be unable to distinguish the copy from the original. As a matter of fact, thousands of venerable frauds, which pass the Morelli test of measurement, change hands yearly. Regrettably, I am obliged also to say that even the expert Morelli is not wholly absolved from suspicions of trickiness in estimation.

One of Berenson's staunch admirers beautifully summed up the Berenson "intuitive" method as follows: "... According to him, a work of art is a kind of reservoir of energy discharging itself into our nervous system, exciting us and putting us in the state of mind the artist wishes to express; for a moment we feel like Michelangelo, or to be more exact, the artist through his picture enters our body and plays on it like an instrument. Muscular ideas of strength, laziness, violence and voluptuousness flow through us ... we share the existence of these supermen ... we find we are of the heroic world."* Here we have an art expert's interpretation of the emphatic responses of Wundt, Vernon Lee and their followers.

It would be difficult to determine whether or not an art expert, using a method of measurement such as is outlined in this sort of degraded philosophic twaddle, had reached an intellectual level above his butler—or was simply deficient in common sense. One thing is certain, however, the sixth sense divining faculty possessed by Mr. Berenson has been very rewarding. It has also been of inestimable value in composing that attribution music from which the maestro, Sir Joseph Duveen, did his highly profitable fiddling. Science may here be out, but fat cash is surely in. If Mr. Berenson is crazy, maybe it is with the craziness of a fox; if he is deficient in common sense, he has an insect's compensating instinct for fixing up a nice nest.

Claims for extraordinary subjective insight are not rare. Witness the fortune-tellers, clairvoyants and all the two-bit prophets

*Louis Gillet in *Living Age*. Nov. 1, 1926.

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who yearly milk the more gullible members of our public! It takes little common sense for such tricksters to flourish. All that is needed is the crust to make a claim to superior gifts. Subjective attributions, with fortune-telling and some religions, and with paintings also, are excellent supports for tricksters and knaves. What but subjective methods could so successfully cloak the fact that hundreds of more or less valueless old paintings, along with plain rubbish and new forgeries*, have been catalogued under dollar mark names?

But what is to take the place of subjective methods in art appreciation and evaluation? Are there, for instance, any reliable

*As an example of how a valueless old painting was given a dollar mark name by Bernhard Berenson, there is no better instance than the following: In the spring of 1929, one Signor Cambo, ex-minister of the Spanish Government and prominent financier, bought a painting representing the proto-martyr, San Casiano, holding a model of the church dedicated to him in Venice. The canvas measured 12x15¾ inches and, for this diminutive example of a rare master, Signor Cambo gave one and a half million lire. The painting was called *The Little Monk*, and was authenticated as a genuine Antonello da Messina by none other than the intuitive Bernhard Berenson, in full agreement with Signor Adolpho Venturi (another of the Duveen defense clan), and the late Dr. de Nicola, one-time head of the Bargello Museum in Florence (Dr. de Nicola appears later in this volume in connection with the sale of another shady art object).

In the summer of 1926, Mr. Berenson wrote a very interesting article in *Dedalo* about various fragments which might have formed part of the altarpiece of San Casiano, and among them he dealt with the particular picture sold to Signor Cambo. The great Spanish financier had not long hung his prize in his beautiful Catalonian Gallery when he received a letter from Professor Mancina, the well-known Italian restorer of paintings. This letter told him that the painting *The Little Monk* had originally cost only a few hundred lire, and had been promoted to its high value after being dealt with drastically by a Milanese restorer. At this juncture, Professor Moroni, the Milanese picture restorer in question, caused a sensation by declaring that all the Antonello qualities of the picture were due to his own brush. Professor Moroni had simply changed a very poor painting by an obscure artist named Cavazzoli, into a genuine dollar mark Antonello da Messina.

Berenson evidently got a master charge of the Cavazzoli "reservoir of energy" discharged into his nervous system in this instance. Berenson is quoted as saying he "couldn't possibly understand how Moroni could change a Cavazzoli into an Antonello."

The case of Signor Cambo's "*Antonello*" should be of much interest to American collectors, as practically all of the dollar mark old masters sold in the United States in the past three decades have been certified by Mr. Berenson. He is, further, the author of many books and art catalogues upon which scores of paintings in private collections and public museums depend for their pedigrees.

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methods by which it is possible to distinguish a copy from an original? This question is indeed easier to ask than to answer. There is no single process known that would not be subject to a score or more of qualifications. The multiple difficulties that beset any system of authentication are due to the fact that the great problem is not so much to determine the master work, as it is to establish the difference between a master work and that of a pupil or an expert copyist. It is often found that an expert copyist or pupil is in many ways as consummate a master as the original artist. Their works are not infrequently as literally accurate in details of design as those of the master. Some of the old Italian painters have been expertly copied by Dutch masters, notably Jacob Jordaens, whose replicas of Paolo Veronese and Titian have passed for originals. David Teniers, the younger, also expertly copied Titian. Holbein's portrait of Morette in the Dresden Gallery was for a considerable time thought to be a portrait of Lodovico il Moro by Leonardo da Vinci.

It is the border line pictures that send the sixth sense authenticators into a tailspin. Having no solid technical or scientific grounds to stand on, they simply do a little plain and fancy guessing, and not infrequently embezzle attributions from each other.

There are three valid methods known at present, each supporting the other, by means of which the authenticity of a painting can be reasonably established. As a first condition or point of departure, let me say that all three of these methods depend for their validity upon the agreement of results with fact, and, since the fact of authorship is the very thing in question when experts are consulted, a basic method of comparison underlies two of the three methods.

The first method, not dependent upon comparison, permits a conclusion as to authenticity, when it is based upon indisputably authentic documents and historical evidence. The value of documentary evidence must be very carefully weighed, and given its proper relative value as regards the painting, its origins and pedigree. It is true that documents can be forged with the same

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nicety as paintings, so the expert who uses this method must first of all establish the genuineness of the documentary evidence on which his conclusions are to be made.

There is one kind of documentary evidence which must be viewed with considerable reserve. This sort most generally accompanies the dollar mark class of old masters, and takes the form of a very impressive listing of all the art critics' inventories, books, periodicals, literary works on art, etc.,* in which the painting has been mentioned. There may also be a noting of the exhibitions in which the painting has hung, and a polite reference to past ownerships where great and noble titles enhance the value. It is a matter of common knowledge that rank fakes and paintings of dubious value are frequently planted in the houses of the tottering aristocracy of Europe simply to add sales value to the documentary evidence of former ownership. There is, of course, absolutely no guarantee of authenticity to a painting simply because it came from Lord Whoozit's Castle or from the celebrated collection of the Marquis de la Bourseplate—but such listings are very effective with rich collectors.

The second valid method of authentication which I suggest is the scientific method. Although not of recent origin and not too much publicized in the past, this method was brought to the forefront of public attention during the Hahn-Duveen trial. An expert's final conclusion as to the authenticity of a painting by the use of this method is dependent upon the facts revealed by accurate scientific analysis and by measurements of the materials used in the execution of the subject painting.

*There has long been a fashion for certain art writers to make sly mention of a painting (which is scheduled to be unloaded in the near future at a fancy figure), in a seemingly inoffensive little monograph, treatise, or perhaps an article in an elite art publication. When the art dealer sells his masterpiece, he takes particular pride in pointing to the mention of the work by a great art writer. This sort of knavish thievery by subterfuge has been going on for years between certain dealers and art writers. If the American art world seriously desires to clean up the old master racket that flourishes on America's doorstep, it can make a most worthy start by investigating the motives behind a great many art writers' publications.

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A scientific examination of a painting must be made by an expert who has had long and thorough experience in this kind of research, if it is to have any value. Scientists and research workers who have given much time and effort to the chemistry of pigments and materials used in ancient paintings have never received much encouragement nor remuneration from those art dealers who conduct the fabulous business of buying and selling old masters. On the other hand, we find experts with intuitive faculties enjoying compensation on the ten percent sales price basis.

The world's greatest art dealer did call as a defense expert Professor Arthur Pillans-Laurie, the well known writer on the chemistry of pigments, not so much as an endorsement of the scientific method of authentication, but because Sir Joseph hoped to have the gauzy subjective guesses of Berenson and the rest of his clan confirmed by the findings of a scientist. But Professor Laurie's testimony backfired. It was impossible to reconcile objective scientific facts with subjective fables.

The scientific method of authentication involves the use of a considerable amount of complicated laboratory apparatus and chemical equipment. The use of the traveling microscope, X rays, polarized and ultra-violet lights, as well as other devices, are employed. It must be said, however, that scientific analysis of the materials used in a painting is not of itself sufficient to indicate authorship. Such analysis can only indicate objective facts. It is entirely possible that these facts may provide overwhelming evidence and be determinative. From them, an expert might arrive at a fairly definite conclusion of authenticity. His final conclusion is, however, always conditioned by a barrier of probability. Scientific examination may reveal such facts as dating pigments and other materials. From these, an expert can definitely say that a painting is not from the hand of a certain master but he cannot guarantee that it is so.

The third method of authentication involves the technical critique of a painting. This is the method on which the intuitive

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sixth sense clan hang their hats. They do not seem to realize, at least they dare not acknowledge, *that a valid technical criticism of a painting can only be given by one who is himself a first-rate painter technician.* This does not in any sense include the dauber who has turned art critic.

It is an obvious fact that in order to obtain any satisfaction whatsoever in creating his painting, the painter is obliged, in the final analysis, to obtain it by some kind of material technical process. Unless an art critic thoroughly understands the technical processes of an old master, he cannot give a valid estimate of the master's work—valid, that is, beyond his personal aesthetic response.

The expert who uses the third method of authentication must, as he who uses the second method, confirm his technical findings by comparison with other known technical facts about absolutely authentic paintings by the master in question. Unless this kind of a comparison can be made, neither the second nor third methods can lead to a valid conclusion about authenticity.

The World's Greatest Art Dealer

Chapter 3

There can be no quibbling about whether the late Lord Millbank (Sir Joseph Duveen) was the greatest art dealer of all time. He was. His prestige in the world of six figure old masters and objects d'art was such that a simple lifting of his bushy eyebrow was sufficient to damn a painting to a value of less than thirty cents in just about that many seconds.

Sometimes, Sir Joseph varied the eyebrow lifting business with a shrug of the shoulders. On other occasions, his scorn would manifest itself as a howling blast in one of the daily papers about some other art dealer being a faker or some particular painting being a worthless copy. This nasty habit of blasting somebody or something which happened to displease him became a routine business. His tirades assumed the status of a hobby, and Sir Joe rode his hobby hard.

I am convinced that Duveen really thought he could maliciously attack the property or reputation of another with impunity, because of the power he had at his command in the art world. He was well aware of his world-wide prestige. He was aware also of the enormous power of a few millions of pounds sterling, and, most important of all, he knew he could crack the whip on a hand-picked clan willing to stand on its head if necessary for his well being.

In 1915, Edgar Gorer, an art dealer, was the victim of the Duveen hobby. A remark about a beautiful K'ang Hsi vase which Gorer was selling brought on a \$200,000 damage suit against

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Duveen. Gorer lost his life in the sinking of the Lusitania, and the suit was dropped.

Again in 1923, a suit for \$200,000 damages was brought against Duveen by Georges Demotte, the well known art dealer of Paris and New York, concerning a statue of the thirteenth century of a Virgin and Child in champleve enamel, which he had sold to the late Michael Dreicer. Duveen declared the statue to be a fake, and said that he would "spend \$500,000 to prove it so, and oblige Demotte to leave New York before one year." Again, for a second time, the plaintiff died before the case could be brought to court. Georges Demotte came to an untimely end in a tragic hunting accident.

I knew the late Georges Demotte very well, and on many occasions we discussed his suit against Duveen. The Duveen blast against Demotte was no doubt motivated by the fact that this Parisian dealer had opened a gallery in New York, and was commencing to edge over into the elite carriage trade which Sir Joseph considered his own sphere of operations. The world's greatest art dealer did, however, permit certain competition to exist, so long as it was willing to subscribe to the superior talents of the Duveen clan, and take its hat off in the presence of the Chief.

In calling the wares of another dealer fake, it always appeared to me that the world's greatest art dealer was possessed of considerably more than the usual twenty-eight feet of intestinal fortitude. Especially is this so in light of the fact that he did, on March twenty-seventh, 1911, in the United States District Court, Southern District of New York, plead guilty and was fined \$10,000,* and the fine was paid. The indictment to which Duveen plead guilty reads: "Did unlawfully, knowingly and fraudulently conspire to defraud the United States by means of false and fraudulent invoices, entries, statements, affidavits and other false and fraudulent devices."

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But, when Sir Joseph stated to a reporter of the *New York World* that the Hahn picture "was not the work of Leonardo da Vinci, that any expert who pronounced it genuine was not an expert, that the real *La Belle Ferronniere* was in the Louvre Museum," he had hopped on his pet hobby for his last free ride. This time, the world's greatest art dealer got himself messed up in a bitter lawsuit in which the plaintiff did not die, but in which Duveen lost very heavily, despite the fact that he rallied his entire prestige and his millions to his defense.

In making his newspaper statement, Sir Joseph assumed, beyond the airs of an Indian potentate, the role of an expert on the works of Leonardo da Vinci. He set himself up as one with positive knowledge. We are, therefore, obliged to take a look at his qualifications. We must decide whether he was an expert on the works of Leonardo at this or any other time. We must decide also whether the opinions he gave were either honest or competent, and, finally, whether his opinions and those also of his experts were justified in any direction except as tricks of defense.

Sir Joseph himself defines the term "expert." He tells us, "An expert must be a person who can tell an original painting from a copy. The process of recognizing old masters and casting out copies," he continues, "the firm of Duveen Brothers have developed into the greatest business of its kind in the world."

Captain R. Langton-Douglas, ranking member of the English coterie of the Duveen clan, who rushed from London to Paris and then to New York to play a sub-stellar role in the defense of Sir Joseph Duveen, has just completed a new book* on Leonardo da Vinci in which he writes, "One of the minor functions of the art critic is to endeavor to determine the authorship of the works of the old masters whose origin is uncertain." This is not in accord with the world's greatest art dealer who considered it a major function. Nor is it in accordance with Captain Langton-Douglas' performances in this case.

*Leonardo da Vinci, His Life and His Pictures, R. Langton-Douglas, University of Chicago Press, 1944.

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Duveen. Gorer lost his life in the sinking of the Lusitania, and the suit was dropped.

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Bernhard Berenson gives us an interesting appraisal of Sir Joseph's expert qualifications. He sums them up this way, "In a general way, Sir Joseph Duveen is undoubtedly a great expert, but I scarcely think he would claim to be an expert on Leonardo da Vinci." Mr. Berenson's estimation of his Chief raises another question, which unfortunately we shall not have the time to investigate. But we do wonder what is an expert "in a general way"? Does the scope of this kind of an expert include competence on K'ang Hsi vases, thirteenth century Limoge enamels, works of Fra Filippo Lippi, Piero della Francesca, and half a hundred other things which the world's greatest art dealer made it his business to expertize?

Captain Robert Langton-Douglas corroborates Mr. Berenson's opinion in testifying that he does not "consider Sir Joseph either an expert or a specialist on the works of Leonardo." Here we have evidence that Sir Joseph fails even to be recognized as a full wizard by two of the most important members of his own clan.

Sir Joseph was asked at the trial, "What is your method of expertizing pictures?" His reply shows indeed simplicity of method. "First I look to see whether it is an original or a copy"!

Question: "Oh, then you have to see it in order to pronounce on it?"

Answer: "I have bought paintings by looking at a photograph."

Question: "Then it is necessary to see either the painting itself or a photograph of it?"

Answer: "Yes."

Question: "In this case, however, you saw neither when you passed judgment on the Hahn painting?"

Answer: "In this case, I saw neither."

One might sarcastically remark that the world's greatest art dealer probably knew by intuition that the Hahn painting was not by Leonardo, but that would hardly be fair to him.

Let us frankly ask him why he would express so condemnatory an opinion about a painting he had never seen. He gives us this

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reply to our question at the trial, "I was able to condemn the Hahn painting as only a copy of Leonardo's *La Belle Ferronniere* immediately upon hearing of it and without ever seeing it, because I recognized its counterpart in the Louvre Museum as an original painting." When asked the question if he had ever changed his mind about the authorship of the Louvre painting, he stated, "I told you that I have never changed my mind personally about the authorship of the Louvre picture." The Court further inquired: "Did you know whether Leonardo painted the picture (the Louvre picture) or not?" Answer: "Of course it was my opinion that he painted it. Yes, certainly, I know he painted the picture."

The sworn testimony of Sir Joseph Duveen as regards his personal opinion about the authorship of the Louvre painting at the time he made his statement to the *New York World* is as brazen a bit of perjury as has ever been recorded in a sworn court of inquiry. That this ringmaster of the art world knowingly and willingly lied is evidenced by this fact: A copy of a letter written by Sir Joseph Duveen to his manager in London, dated August fifth, 1920, introduced by the plaintiff into the court records states, "The Louvre painting is not passed by the most eminent connoisseurs as having been painted by Leonardo da Vinci, and I may say that I am entirely in accord with their opinion."

When Sir Joseph Duveen testified in the Hahn-Duveen trial, he was at the head of a business that had once been trapped by the government for making false and fraudulent statements in its dealings. Here, once again, he was up to the same old tricks. It is regrettable that a man who enjoyed such world-wide prestige as a great art dealer lacked the moral courage to publicly acknowledge a mistake. Sir Joseph Duveen went into court with dirty hands; he was at the start a trapped liar, and he knew it. His egoism, however, was such that he spent hundreds of thousands of dollars in a defense which, at its very best, could never be anything more than a tricky bastardizing of the truth.

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Like a glove on the hand of Sir Joseph are these words of Seneca, "It is a shameful and unseemly thing to think one thing and to speak another, but how odious to write one thing and think another!"

History is the Authenticator

Chapter 4

It is a misfortune that the word critic is derived from a Greek word meaning judge. Although an art critic certainly arrives at judgments, the real value of his criticism, if it has any value, consists not so much in his judgments as in the process by which they were formulated. There his real knowledge and integrity are indicated.

The correct authentication of a painting is never dependent upon the so-called distillation of any critic's personal judgment nor upon his artistic opinions. These are personally valuable, but authentication is a process of marshalling evidence that has been obtained by a correct appraisal of the documentary material and scientific facts involved. These, once ascertained and established, do not change from time to time according to the personal intuitions of the experts or, let us say, in response to the pressing demands of a great art dealer. I do not in any sense mean to infer that a painting from the standpoint of materials used or meanings to be derived is permanent and static, but I do most certainly maintain that the factual changes in the materials (such as could alter the physical aspects of the painting), due to decomposition or molecular hysteresis, are so slow as to be almost negligible. If and when they do occur, these material changes are constant in each material with respect to degree and condition, and are therefore easily measurable.

The jury in the Hahn-Duveen case was commissioned to hear what the experts had to say, and to pass upon the credibility of their testimony. It was not asked to make judgments about the

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artistic merits of either the Hahn or Louvre paintings. It was not asked its opinions about these. Certain Duveen-inspired art writers, however, poured a flood of ridicule into their articles, which appeared with an exquisite timing during and shortly after the trial, disparaging the competence of twelve laymen to judge a question of art. It is notable, however, that these laymen art writers in the Duveen corner stayed close to their judgment fictions, and exhibited a stony silence regarding anything in which the word "fact" was involved.

Underlying the whole matter of expert opinion concerning authenticity, whether or not the supporting facts of evidence are technical or scientific, is the premise of authentic historical documentation. If for no other reason than to certify the existence of the supposed artist, authentic historical documentation is the paramount factor of consideration. It is the only basis on which key paintings are determined—paintings which set the standards to which all disputed or suspected works are compared.

Take for instance the painting called the *Mona Lisa* in the Louvre Museum. Authentic historical documents testify to the fact that *Mona Lisa*, the third wife of Francesco del Giocondo, was married in 1495, and that she was a member of the Neapolitan family of Gherardini. We know further that her portrait was painted by Leonardo da Vinci. There is historical evidence deposited in the National Archives of France denoting the fact that Francis I, King of France, purchased the painting, *Mona Lisa*, from Leonardo, with mention of the price he paid for it.* Any other kind of evidence advanced by any critic or expert concerning the *Mona Lisa* must be contingent upon these historical facts about the painting.

It is conceivable, and let us assume for the sake of argument, that an expert could seriously challenge the authenticity of the painting in the Louvre Museum which is known as *Mona Lisa*. Permit the expert to contend that during the elapsed centuries a

*Four thousand gold Florins, or about nine thousand dollars was paid for the *Mona Lisa* by Francis I, King of France.

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copy has been substituted for the original, and that in such an instance the historical evidence of purchase by Francis I would vouch for the authenticity of a painting that was only a copy. Well and good! Such an instance is entirely within the realm of possibilities. But the fact remains that the challenging expert is obliged to support his charge of substitution by some tangible proof of historical documentation. Mere presumption or suspicion of a substitution is not sufficient as evidence.

On the importance of historical evidence, Sir Charles Holmes, Director of the National Gallery London, who was one of the Duveen defense experts said at the trial, "Well, I should think that I should begin by saying that the question of determining the authenticity of any master's pictures begins with comparison of the works of that master so far as they are definitely established by documents and tradition; that when you have a group of paintings by a master, which is definitely established by documents and tradition, you have a foundation on which to make the basis of judgment upon the works attributed to the master." Sir Charles goes a long way around in making his observations, but his opinion in this matter of documentation is perfectly clear and sound.

Speaking of the painting *St. John the Baptist* in the Louvre Museum, R. Langton-Douglas said, "The *St. John the Baptist* in the Louvre could with little justification be considered as a Leonardo save for documentary evidence."*

*This is an exceedingly interesting appraisal of the authenticity of *St. John the Baptist* by Mr. Douglas. One would judge from this that he could see nothing of the characteristic work of Leonardo in this picture. As a fine example of the inconsistency of Mr. Douglas, compare this opinion with his latest appraisal of the same painting which appears in his new book, *Leonardo da Vinci, His Life and His Pictures*, in which Mr. Douglas writes: "The *St. John The Baptist* is not only an exercise in chiaroscuro, it is an epitome of all the old master's pet morphological details—the pointing finger, the loose, abundant hair, the smile, that ever recurring smile, that here, even more than in his other works, reveals only too clearly 'the passions of the soul' of the real subject of the picture. Like some popular favorite of the variety stage, some old troupier giving his valedictory performance, Leonardo repeats all his accustomed tricks to the great delight of his admirers." All this, to my Midwestern conception, is what we call "talking out both sides of your mouth at the same time."

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As the major bulwark of his strategic defense, Sir Joseph Duveen and his clan based their expert testimony concerning the non-authenticity of the Hahn painting on the observable differences between the Hahn and Louvre pictures as the result of a direct comparison of the two paintings. This comparison was made at the request of Duveen in full knowledge of the fact that he did not believe the Louvre version to be an authentic Leonardo. Duveen's letter to his manager in London, which has already been cited, is sufficient evidence as to his private opinion about the genuineness of the Louvre picture. The comparison of the Hahn painting with the Louvre version is indeed analogous to a man verifying the time of his own watch by setting it to a regulator that was itself not at the correct hour.

Curious as it may seem many of the experts of the Duveen clan notably Bernhard Berenson, R. Langton-Douglas, Adolpho Venturi and Maurice Brockwell, previous to the filing of the Hahn-Duveen suit, were publicly on record in their books or otherwise published writings, that the Louvre painting called *La Belle Ferronniere* was certainly not an authentic Leonardo da Vinci. It was quite another matter when the Chief was tangled up in a bitter lawsuit and called for assistance. These lackeys quickly turned their coats, and came into the Supreme Court of New York State singing to high heaven their best verses as to the authenticity of the Louvre painting. Such are the gentlemen, my readers, who sharpened the tools which the world's greatest art dealer used to chisel the monument to his great artistic prestige and colossal fortune.

After hearing the direct evidence given by these experts in court, Mr. Justice Black commented, "The amount of importance to be attached to what experts say depends entirely upon the factual basis for their conclusions. It required a good deal of mental agility to follow some of the experts from their positive evidence on the stand, to the diametrically opposite views they had expressed in their books long before."

At the time the defense experts were asked by Duveen to ap-

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pear in his behalf, they were certainly aware, if they had any claim to professional competence whatever, of the questionable status of the Louvre painting. They must have known, too, that a comparison of the Hahn and Louvre paintings would be a rank travesty on justice; yet, not a single one of the Duveen clan was sufficiently honest or had the common decency and respect for the truth to protest this procedure.

It is now opportune to consider the following excerpts from the testimony of Bernhard Berenson, whom Sir Joseph Duveen esteemed in his court testimony as "the greatest living expert on Leonardo."

Question: "Do you agree with me, Mr. Berenson, that the two best ways to ascertain the genuineness of a picture is to first compare the questioned picture with a picture or pictures concerning which there isn't any question?"

Answer: "Yes."

Question: "Do you agree with me the best way to determine the genuineness of a picture that is questioned is to compare it with the generally accepted best specimen of the master's work?"

Answer: "Yes."

Question: "And you told me, did you not, that the *Mona Lisa* was never questioned?"

Answer: "Never."

Question: "That the *Vierge aux Rochers* was never questioned?"

Answer: "Never."

Question: "Did you compare the Hahn painting with the *Mona Lisa*?"

Answer: "Never."

Question: "But you were in the Louvre Museum today, were you not?"

Answer: "Yes."

Question: "And you knew at that time you were there that nobody ever questioned the *Mona Lisa* as the work of Leonardo da Vinci?"

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Answer: "I did."

Question: "Do you think, Mr. Berenson, it would be safe artistically or reasonably to compare the Hahn picture, in order to find out whether the Hahn picture was or was not a Leonardo, with any picture that was not generally accepted as a Leonardo?"

Answer: "Well, I have already answered that; why put it in new form?"

Question: "Is that your answer?"

Answer: "Yes, unless you have definite authentic information, you have no terms for comparison."

Question: "And those pictures (by Leonardo) on which you (the experts) are all agreed do not include the picture No. 1600 (*La Belle Ferronniere*), which resembles the Hahn picture and which is known as the Louvre picture?"

Answer: "Apparently not."*

*In Mr. Berenson's book, *The North Italian Painters of the Renaissance*, J. P. Putnam's Sons, London 1907, Page 260, he writes, "Paris No. 1600 *La Belle Ferronniere*. One would regret to have to accept this as Leonardo's own work."

Technique Processes

Chapter 5

Strictly speaking, the art of painting may be defined as the material and technique processes by which the painter objectifies that which he visualizes. Such processes translate vision into the tangible factors of pigments, oils, varnish, wood, canvas and other materials.

One of the passages from Leonardo's *Treatise on Painting* holds special significance for all students of his works. Leonardo tells us in terms of technique, "The first object of a painter is to make a simple flat surface appear like a relief and some of its parts detached from the ground; he who excels all others in that part of art deserves the highest praise. The perfection of the art depends on the correct distribution of lights and shades called *chiaroscuro*." This brief passage from the *Treatise on Painting* sums up in less than sixty words the main characteristic of Leonardo's works in terms of organizational technique.

The court testimony of the Duveen clan constitutes an almost endless commentary on the characteristics of the technique of Leonardo. But it is a sort of new *Treatise on Painting* where authorship passes from Leonardo to the "old master authenticators." As we review their testimony, which runs the gamut from simple conjecture and emotional theory to plain cockeyed guessing, we are obliged by the weight of the evidence to conclude that their opinions were not the result of long experience in matters of art, but of experience in matters of business.

Some of these world-wide authorities, who have composed books and catalogues of Leonardo's work, were obliged by a merciless

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cross-examiner to acknowledge for the first time that they possessed no factual knowledge whatever concerning the technique of Leonardo. Others professed only a limited surface understanding, while a third group played the old art critics' game of standing on both sides of the fence at one and the same time. This is quite a trick if you can do it in a sworn court of inquiry. The novelty of being obliged to tell the truth extended some of the members of the Duveen clan to the very limits of their professional ingenuity.

"The technique of the artist is the most important thing in the whole picture," said Sir Joseph. This bold statement coming from the world's greatest art dealer certainly must have been dealt from a strange deck. A refreshing lead such as this just isn't in the cards of the fancy game of authenticating old masters. At least it isn't in the deck owned by Bernhard Berenson, the major-domo of the picture guessers. On cross-examination, Berenson candidly acknowledged, "I am not an expert on technique." Questioned further if he knew anything about the materials for paintings, he replied, "Practically nothing. That can only be known by a practical painter. That is not my job."

In the fancy job of standing on both sides of the fence, Sir Martin Conway, the eminent English critic, testified on direct examination that he had "no interest in technique or the way a great master paints, whether he paints with wax or oil or this way or that. That is all on the other side, the creative side." Pressed uncomfortably on cross-examination, Sir Martin did finally agree that "the technical characteristics of a master do play an important part in the authentication of a painting."

In their direct examination, the Duveen defense experts were more or less obliged to distort their testimony in such a manner that their answers would support the contentions of their Chief. This is the reason, as we shall presently discover, that we are confronted with a confusion of defense opinions resolving themselves, as the investigation continues, into mazes of pure speculation. It is, as Justice Black stated, "too introspective and sub-

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jective to be the basis of any opinion a jury can pin its faith on."

I am certain that no one of intelligence believes that Bernhard Berenson disregards technique or cares nothing about it, as he testified in court. Certainly the fact must be to the contrary. Mr. Berenson, along with the other Duveen experts, must have been aware of the fact that it was mainly on the basis of technique that the Louvre picture was suspicious. Had not Mr. Berenson testified that he did not know a single authority besides himself who had ever said the Louvre picture was by Leonardo? The defense plan was simple. They were out to kill the value of technical evidence, for fear that it would be in favor of the Hahn painting.

In all of Leonardo's authentic paintings there are definite technical characteristics evident. Sir Joseph Duveen was certainly aware of this fact; so were his experts. In order that a technical comparison of paintings could be made determining the authenticity in the Hahn painting which he had condemned, Sir Joseph Duveen was offered every facility to make a direct comparison of the Hahn painting with any Leonardo accepted as authentic. Did Sir Joseph ask any of his defense coterie, either in or out of court, to make such a comparison? Certainly not! He was content with the Berensonian formulas of cultivated insight and literary rhapsody.

Professor Arthur Pillans-Laurie, the world famous scientist and expert on pigments, testified as a defense witness. He did it with such scientific precision that by his testimony he alone should have won the case easily for the Hahn painting. He neatly disposes of such Berensonian formulas by saying, "I have no faith in the literary statements of critics." But it was to Berenson and his kind that Duveen looked. He preferred, for the moment, to see technical matters as of no importance for authenticating works of art. Actually, however, the Berensonian formula of subjective aesthetic criticism which determines "good" or "bad", is of little or no importance in the old master business until technical scientists have completed a thorough examination.

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The question of authenticity in a painting has nothing to do with whether a painting is a good or a bad painting. A work may well have been painted by a very great master and yet be a very bad picture. The question in this case was, however, not how good the painting, but *who* painted it. It is entirely possible that a competent art expert might have no appreciation of aesthetic values, and yet be amply qualified to pass judgment on the question of a painting's authenticity.

A manuscript could be definitely attributed to Shakespeare by a qualified technical expert who had no literary appreciation whatever of Shakespeare's work, providing he could scientifically prove that the paper on which the manuscript was written was the exact kind of paper used in authentic manuscripts, that the ink was of the same chemical composition, and that the handwriting was authentic. This matter of identifying handwriting is a technical process that is controlled by scientific procedure and fact; it requires no mysterious sixth sense, subjective intuition, or appreciation of good or bad handwriting on the part of an expert. In the case of a so-called first edition of Elizabeth Barrett Browning's *Sonnets from the Portuguese*, which sold for one thousand two hundred and fifty dollars, the experts, Carter and Pollard, found that the chemical composition of its paper was not known in 1847, the alleged date of publication, and they found that some of the type had not been cast until 1880. Likewise an expert violin maker who knew the technical characteristics of the work of Stradivarius, could identify in the most formal manner any violin that was considered to be a Stradivarius. He would do this on the basis of the technical characteristics of the form, construction, workmanship, varnish, the age and variety of the woods and other material considerations. All the while, our violin expert might be musically illiterate or even tone deaf. The musical qualities of a sonata played by Kreisler, on the very violin which he had authenticated, might be, to such an expert, mere Chinese jazz so far as his appreciation was concerned.

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While not so essential for aesthetic appreciation, the issue of technique is first and foremost when considering authenticity. It cannot be ignored; indeed, a full understanding of the technique of an artist's work is absolutely essential for comparative study.

I fully realize that, from the viewpoint of a modern art dealer and his staff of expert consultants, any method of authenticating paintings which borders on the technical or scientific would most certainly be damned with faint praise. They have their eye on the ten per centum share in the sales price. The scientific method deals with truths, and apparently takes no account of the fact that truth may at times be extremely unpalatable as well as unprofitable. Turn a qualified scientist loose with microphotographic and X-ray apparatus in our own National Art Gallery in Washington, or in the galleries of London or Paris for that matter, and you would run the risk of humbling to the dust the artistic pride of mighty folk, and, too, the reputations of those who had catered to them.

A Master Develops a Technique

Chapter 6

Much fiction has been recorded about the early years of Leonardo by biographers who have permitted their imaginations to run riot. The fully substantiated facts concerning the life and works of this prodigious man are meager indeed. Most of the stories concerning his youth which have been given to the student as true, turn out to be pure fiction in the final showdown of evidence. Even the writers of his period and of a few years later elaborated grains of evidence into full ears. From these, the later biographers obtained a supply of hybrid seed that germinated well in their fertile imaginings.

To start with, let us accept the fact that Leonardo was born at Vinci, a small town on the slopes of Monte Albano in the Arno Valley. The year of his birth is 1452. My reader can refer to any of the biographies of Leonardo for a fascinating yarn about what happened to him prior to 1465, when there is substantial evidence about his entry into Verrocchio's* studio as an apprentice. From a factual standpoint, I am disinclined to believe the art historians' story about Verrocchio, the master, abandoning painting forever because his youthful apprentice, Leonardo, painted an angel in one of his paintings with such uncanny perfection and grace that the very sight of it disconcerted the teacher. This bit of innocuous fiction makes an interesting tale and supplies color for the art writers and experts, but there is no evidence of its

*Andrea di Michele di Francesco Cioni, surnamed Verrocchio after his earliest master, Giuliano di Verrocchio, in whose bottega he learned the art of goldsmithing.

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possessing any kind of factual base. As a matter of common sense, it is difficult to swallow the story that so consummate a master as Verrocchio was ready to renounce his life-work because of the efforts of an apprentice boy not yet fifteen years old. Then again, there is the romantic story of Leonardo, the youth, "who cloistered himself with spiders and bats and lizards and all sorts of vile and creeping things until he had learned to reproduce them in design with such amazing accuracy that he almost frightened his father to death." On such threads, art writers and biographers spin their gauzy fantasies.

Getting down to substantial fact, we find that in 1472, Leonardo's name was inscribed as a full member in the Red Book of the Guild of Painters in Florence.* The painters of Florence were enrolled in the Guild of Physicians and Apothecaries. There is documentary evidence that Leonardo profited from this membership, in that it permitted him to use the great hospital of Santa Maria Nuova as a school for the study of anatomy. This phase of Leonardo's practical experience had an important bearing on his then developing technique.

The earliest dated work which we have of Leonardo was made in 1473, and is the drawing of a Tuscan landscape. It is the first work bearing an inscription written from right to left, as was Leonardo's custom of writing in the numerous records of later years.**

*Membership in a guild of painters is most significant. Its full meaning will develop when we consider the testimony of Professor Laurie concerning the kind and quality of the pigments used in the Hahn and Louvre paintings.

**There are some professional art experts who contend that Leonardo not only wrote from left to right with his left hand, but that he made his drawings and paintings with the left hand as well. These experts have at various times refused to accept as authentic some perfectly genuine works of Leonardo because there was evidence of right-handed execution. In view of incontestable documentary evidence, these experts can no longer maintain that da Vinci worked exclusively with his left hand.

Signor Uzielli published a document that was discovered by Signor Pasqualucci of Naples, which described a visit made by the Cardinal d'Aragon to Leonardo at the Chateau de Cloux in the month of May, 1516. There is to be noted in this document the following bit of interesting information, "We can no longer expect to have fine paintings by Leonardo because he is paralyzed in his right hand."

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Three years later there is substantial evidence that Leonardo is still living with Verrocchio. This is the year we find him being the target of an anonymous accusation of unnatural vice in connection with a model named Saltarelli. He was, with three others, accused and obliged to stand trial for an alleged offense against public morals. On the first hearing the accused were discharged. They were brought up again two months later on new evidence, and the outcome of the prosecution was the same. On this slim evidence is based the claims by proselytizing homosexuals that Leonardo was one of their sort. Freud's description of Leonardo is a piece of subjective insight quite on a par with that of Mr. Berenson's. Freud could render anything into anything, and with Leonardo's hermaphroditic smile, he did wonders.

Not until January, 1478, do we find anything concrete in the matter of documentary evidence that would certify that Leonardo ever received a commission for a painting. We have a definite record about then that Leonardo was offered a commission by the Signoria of Florence for an altarpiece in the Chapel of Saint Bernard in the Palazzo Vecchio. Leonardo obtained twenty-five florins on account, and at the end of five years had not even commenced the painting. In despair, the Council turned to Ghirlandaio who also failed them, and not until 1485 was their need at last supplied by Filippino Lippi who did the work.

There is a fragmentary note on a drawing by Leonardo now in the Uffizi, dated October, 1478, which reads, "Working at the two Madonnas." Art historians and dealers' experts in search of documentary antecedent for any supposed Madonna by Leonardo, invariably point to this reference in support of the authenticity of their paintings. From the ever increasing number of Madonnas that have been cited in catalogues to date, it would seem that

The very late date of the document is significant inasmuch as Leonardo left no paintings executed after the year 1516, and it is quite probable that previous to that year when paralysis of his right hand was noted by the Cardinal d'Aragon, he preferred his right to his left hand when painting or drawing. Otherwise, the observation of the Cardinal as to the paralysis in his right hand would be superfluous. At the very least there is excellent evidence to indicate that Leonardo worked with his right as well as his left hand. This is not unusual among artists.

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Leonardo forgot to precede the word "two" in the inscription by "twenty" or more. "Working at the twenty-two Madonnas," would do much to end the present confusion of opinions among the experts.

It is in 1479 that we find Leonardo meeting his future patron Lodovico il Moro, who had arrived in Florence to pay his respects to Lorenzo il Magnifico. Lorenzo's brother Giuliano, had been assassinated; on this occasion Leonardo made a pen and ink sketch of one of the conspirators named Bernardino di Bandino Baroncelli as he swung on a rope from one of the windows of the Bargello. Whether or not this sketch and accompanying notes concerning the clothes worn by Bandino were intended for use in a painting, is impossible to say. If they really were intended for a painting they went no further, at least not to date. However, just so long as the millionaire yen for old masters continues and great art dealers with their cliques of experts continue to function, I shall always maintain hope that they will dig up somewhere, sometime, a great new unknown masterwork of Leonardo depicting the tragic Bandino dangling on the end of a silken cord.

In March, 1480, the monks of the convent of San Donato, outside Scopeta, by the Porta Romana, commissioned Leonardo to paint a picture to set over their high altar. As a recompense for his work, he was to receive one-third of a certain parcel of monastic property in the Val d'Elsa, or three hundred gold florins. Generously, the monks allowed him thirty months in which to complete his work. Outside of a few very beautiful drawings which he made for this painting, whose theme was to be "The Adoration of the Kings," Leonardo never progressed further on the actual painting than the underwork in umber and terra-verde on what was once a white primed panel. This has turned a yellow sand color as we now see it. This masterpiece, which gives us some excellent evidence as to the developing technique of Leonardo, is now in the Uffizi in Florence.

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From 1465, when Leonardo most probably entered the studio of Verrocchio as an apprentice, to 1482, which is the first Florentine period of da Vinci, the factual records of a documentary nature give us precious little evidence about the product of a painter who four hundred years later was to be considered a genius. In fact, during a period of several years, from 1473 to 1482, when some of his contemporaries were doing their finest work, Leonardo was simply loafing and scheming for advances on commissions which there is fair presumption he had no intention of fulfilling. This is the Leonardo da Vinci at thirty-one years of age on the eve of his departure for Milan, whom Michelet called, all too well, "The Faust of the Renaissance." Indeed, Leonardo had already acquired the qualities of a perfect Faust—genius—dilatatory habits, homosexual accusations which gave proof of bitter enmities at least, and a touch of the larcenous in his character.

It had been bruited about Italy, at this particular time, that the powerful Lodovico il Moro, who had usurped the title of Duke of Milan from his feeble-minded nephew Gian Galeazzo Sforza, was extending magnificent commissions to artists and men of letters in order to have the deeds of the house of Sforza fitly commemorated. In particular, he let it be known that he desired to erect a superlative equestrian monument to the memory of Francesco Sforza, his father. The desires and munificence of Lodovico spread like wildfire through all Italy, and a veritable swarm of beneficiaries came flocking to his court.

At this time, the situation in Florence was becoming quite intolerable for Leonardo. Lorenzo the Magnificent had already lost interest in the studio of Verrocchio and his pupils, and was turning to Botticelli with his favors. Leonardo saw the handwriting on the wall, and in late 1482, in company with two of his friends, Atlantico Migliarotti a musician, and Zoroastre d'Petrola, set out for the Utopia of cake and honey, the court of Lodovico il Moro, Beneficent Duke of Milan.

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Since he was short of funds on his arrival in Milan, we find Leonardo losing no time in presenting his qualifications to the Duke in the form of a letter which is indeed remarkable in its contents. This letter proves that very little progress has been made in the past four hundred years in the art of applying for a job. Then, as now, the applicant did the very human thing of outlining his qualifications with a very considerable degree of exaggeration. Extravagantly he wrote of his ability "... to construct bridges, mortars, naval vessels, flying machines, chariots, artillery, mangonels, trabocchi and other machines," without the least bit of recorded experience in his background to back up his claims. "... I can carry out sculpture in marble, bronze or clay, and also in painting whatever may be done as well as any other be he whom he may." In this, Leonardo spoke with somewhat good authority, but the real purpose of his letter, as is generally the case, is disclosed in the concluding paragraph: "The bronze horse may be taken in hand which is to be to the immortal glory and eternal honor of the prince your father of happy memory, and of the illustrious house of Sforza." The "bronze horse" flattery formula used by Leonardo in concluding his letter is extensively employed, with variations, even unto this day. Tombstone brokers, commemorative book and special edition biographers—yea, even the art dealers, have obtained the favors and commissions of the vain and gullible rich, with the assistance of the same sort of unctuous blarney.

Leonardo's letter had the desired effect of relieving his strained financial condition, as he quickly received from Lodovico the commission to make *The Horse*, as it was called. There is no existing documentary record telling us of the exact concern of Leonardo over this commission. We do know, however, as a matter of past experience, that Leonardo was more than likely to fail in his undertaking. He did perhaps realize the enormity of the task of this Sforza monument; its attendant researches in equine movement and anatomy shown by his many superb sketches on *The Horse* now constitute the principal collection at Windsor

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Castle. They are all of this work which have been left to us. Unhappily, the sketches are not dated; nor is it possible to discriminate with certainty which of the sketches of horses was intended for the Sforza monument, in view of the fact that he had also accepted about this time a second commission for an equestrian statue to be made in honor of Lodovico's great enemy, Gian Giacomo Trivulzi. Whatever may be said of the artistic ability and aesthetic nature of Leonardo, there is also ground for belief that had he been born four hundred years later, he would have most certainly qualified as one of the tweedy, horn-rimmed barons of "big business." It takes considerable business acumen to sell the Duke of the realm on a quite intangible idea and then turn around and bargain with his principal rival on the same basis.

Not until 1493 did Leonardo actually finish the model for his colossal horse. It stood twenty-six feet high, and was erected in the courtyard of the Castello. He finally abandoned the work because of his inability to make the casting, vexed, no doubt, not so much by his failure as by the taunting of fellow artisans. But there was some pecuniary balm in the commission, for all the while Leonardo was attempting to immortalize the house of Sforza in the form of a bronze horse, he was drawing from the duke an annual salary of two thousand ducats.

At approximately the same time that Leonardo received the commission for The Horse, he also accepted from the Confraternity of the Immaculate Conception of Milan a commission for the execution of an oil painting of Our Lady and two lateral side panels of angels that were to fit in an ancona (a carved and gilt frame work in relief over the altar). The central panel was to be a painting of the Madonna and Child and was to be done by da Vinci; the side panels of the angels were assigned to the da Predis brothers, Ambrogio and Evangelista. There is good evidence that Evangelista acted as a sort of agent or commissionaire in the transaction, and that he gave a sub-contract for the ancona to Giacomo del Maino, an expert Milanese woodcarver,

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who had worked on the choir stalls of the Certosa di Pavia. This contract between Leonardo, the brothers da Predis and the Confraternity, dated April 25, 1483, really marks the commencement of the period which was to see the development of Leonardo as one of the greatest painters of the Renaissance.

A great pestilence had been decimating Milan, and, in 1484, Leonardo submitted projects to Lodovico for reconstructing the city on improved sanitary plans. To the period 1485-1486 must be ascribed the inception of his elaborate (though unfulfilled) architectural plans for beautifying and strengthening the Castello. Records of payments to Leonardo in connection with architectural plans extend until May, 1490, with no evidence to prove that he ever completed any of them.

Late in that year, we find that Leonardo had been called to Pavia for advice on some architectural difficulty concerning the cathedral. His sojourn in Pavia provided him with some months of uninterrupted mathematical research in the libraries and study with the learned men of this ancient city. Here too, the detailed study of an ancient equestrian monument* gave him fresh ideas for the construction of his own Horse. Called back to Milan on a court summons on the occasion of the double marriage of Lodovico Sforza with Beatrice d'Este, and Anna Sforza with Alphonso d'Este, he was commissioned to direct the festivities and the grand pageant following the double wedding. In the years that followed Lodovico's wedding, the ever increasing splendor of the Court afforded Leonardo continual employment as an arbiter of elegance and master of pleasure. He arranged masques and grandiose pageants at the bidding and to the whims of the young Duchess. In her garden at Vigevano he planned a beautiful pavilion, and in her bathroom, a hot-water installation. According to Cagnola, the Milanese chronicler, Leonardo worked such beautiful and wonderful improvements in Vigevano that it deserved to be called "Citta Nova."

*The so-called Regisole which was destroyed in 1796.

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Amidst the pleasures of the sumptuous Court of Milan, and his intense devotion to geometry, architecture and anatomy, Leonardo had almost forgotten his primary vocation of artist and painter. In fact, dating from his arrival in Milan in 1482, all of the works in painting executed by Leonardo of which there is any factual documentary record previous to 1494, consist of a Nativity, the commission for the altar piece for the Confraternity of the Immaculate Conception (in which his name appears associated with the da Predis brothers), and a few portraits undertaken on the order of Lodovico Sforza. Practically all of the portrait commissions of this period are now either lost or remain unidentified.

In 1494, Leonardo accepted a joint commission from Lodivico Sforza and the monks to execute for the refectory of Santa Maria della Grazie in Milan, a painting that was destined to be known throughout the civilized world as his greatest work. We have in this painting, *The Last Supper*, the first evidence of the intensity of manual and intellectual effort that Leonardo could put into a work if he really wanted to. That he had at last settled down in all seriousness to the work of painting, as well as respect for contract, is evidenced by the fact that he finished this steadily executed work in four years.

The Last Supper as a painting is a dating picture of a definite character in the technique of Leonardo. This is the last painting he made in a pure tempera medium. A legend sprung up within a short time after the completion of *The Last Supper* that it had been done in an oil medium. This was because only a few years previous the Van Eycks had introduced into Italy their astounding rediscovery of the lost art of the ancients* where pigments were suspended in an oil medium instead of egg or glue and water.

Towards the end of the fifteenth century, we find almost all of the artists of northern Italy including Leonardo experiment-

*In the 12th century, Theophilus, the monk, and a hundred years later, Eracilius, both gave recipes for the use of boiled oils in painting. These oils were probably rubbed over egg or glue or wax-emulsion underpaintings with the palm of the hand, but as they contained pigment, it is fair to speak of them as oil paints. The Van Eycks' techniques were of course developed beyond anything known at this early period.

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ing, more or less, with an oil medium. That this new oil medium would eventually displace pure tempera was inevitable. Leonardo and his contemporaries were intrigued with oil technique because it permitted a developed chiaroscuro, a new breadth and boldness, and a new freedom of execution. No longer would they be confined to the stiffness and dryness of the pure tempera technique.

The change from tempera to oil was not an overnight happening. There was a distinct transitional period of fifteen or more years when Italian artists worked in a tempera and oil combination technique in an attempt to produce their effects. For this reason, we have so many "partially-to-wholly" restored paintings hanging in great museums today, which were early attempts in the combination tempera-oil medium. As the combination technique was developed and the artists perfected their processes, little by little the pure tempera disappeared in the technique, and more and more the use of full oil as a medium became evident. In the late transitional period from tempera to oil, Leonardo and his contemporaries made their finest paintings. As soon as Leonardo learned satisfactorily to handle the oil-varnish glazes over a tempera underpainting, his works took on a magnificence of quality that even the masters of the full oil medium of later years could not approach. This is equally true of the works of all of the great contemporaries of this period. Later progress to a full oil technique developed unexpected disadvantages.

Among the portraits painted by da Vinci late in the transitional period is the one known as *La Belle Ferronniere*, a title wrongly given to the work by a confused art historian of the eighteenth century. In reality, this portrait, which was officially known for over two hundred years simply as the *Portrait of a Woman*, represents Lucrezia Crivelli, mistress of Lodovico Sforza. Lodovico was eventually made a prisoner by Louis XII, and brought back to France to be committed to the castle of Loches for safekeeping where he eventually died. The historical documentation proving that the Hahn painting, and not the Louvre

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picture, is the original portrait of Lucrezia Crivelli, painted by Leonardo during his last years at the court of Milan, will be presented and fully discussed in a later chapter.

The first great obstacle which confronted the artist of the early transitional period in Italy was to find an oil which was suitable for mixing with the natural pigment at his disposal. The common olive oil of Italy which was cheap and easily obtained was quickly abandoned because it never thoroughly dried and became darkened considerably, sometimes going almost black in a very short time. In his *Trattato*, we find Leonardo mentioning the use of walnut oil and giving a recipe for its distillation. This oil, too, darkened so perceptibly in drying that it was eventually abandoned as a medium. Later on, we observe da Vinci noting the mixture of his color pigments with *huile de lin* combined with a varnish base of dissolved resin. In this combination of oil, pigment and pure resin varnish is the secret of the marvelous transparency, as well as the all important factor of the permanence, of the delicate color transitions that are found on all the authentic paintings of da Vinci and his contemporaries.

Vasari, the great art historian, fittingly remarks about the marvelous tints of the glazes on the *Mona Lisa*. Although this beautiful painting as we see it today lacks a certain warmth in the flesh tints, it must be remembered that it has in times past undergone many rude assaults of incompetent restorers as well as frequent revarnishings. Nevertheless, the evidences of the delicate transitions of Leonardo are still apparent. A painting by Andrea Solario, *The Virgin With the Green Cushion*, also in the Louvre, is a splendid example of the freshness of color due to the use of oil and varnish as a medium. The surfaces of paintings done in this manner have a smooth, hard, enamel-like appearance that cannot be obtained in any other way. This is exactly the "too smooth" effect which Mr. Berenson remarked in the Hahn painting. This will be fully discussed later.

The technique of any master is an enormously important study, and the more we investigate the technique of the great

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masters, the more we must appreciate the fact that the ultimate perfection of their works represents the results of strenuous endeavor and careful development of method.

It is quite probable that Leonardo received the commission for the *Mona Lisa* in 1501, and that he commenced work on the drawing for the portrait immediately. His progress on the painting was interrupted for several months, as he left Florence in May of the following year to serve under Cesar Borgia in the capacity of military engineer. On his return from Romagna in 1503, there is record that his name was inscribed anew on the rolls of the painters of Florence, and that he resumed again his work on the *Mona Lisa* which he eventually left unfinished.

Of all the pictures that Leonardo is supposed to have painted in the last thirteen years of his life only two have survived: *Virgin and Child with St. Anne* and *St. John the Baptist*, both of which are now in the Louvre Museum. The last years of Leonardo's life, as were the days of his youth, are left to the fancies of his biographers. They offer us nothing for further consideration concerning the development of his technique and its involved processes.

Da Vinci was a dabbler in all human activities. He was forever planning and writing about grandiose projects and great paintings that somehow never came off. His reputation, therefore, has been as much enhanced because of the things he did not do as by the few magnificent works that he did. But, as the chief inventor of chiaroscuro and contrapposto, he exercised a great influence over his contemporaries and over artists of many generations to come. He was an influence of the first order.

The essence of his technique, in its final analysis, lies in the intricate mechanics of an attempt to conquer the kingdom of light and shade, to get harmonious movement into his works by a rhythmic play of contrasting planes, and to produce reality by a sculptural roundness of form. Leonardo was the precursor of the cult of the rounded and soft, of circles, arches and curves which finally developed into the later rococo styles.

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This cursory review of the high lights of Leonardo's life shows that he produced but few paintings, and, contrary to the expressed views of some of the modern art critics who would diminish the importance of his works, that time has rendered the verdict that in the esteem of all the world he still stands in the front rank of the masters.

Da Vinci, Master of Color

Chapter 7

Before considering the technique of da Vinci in detail, it will be well to review some of the novel and bizarre versions of experts concerning the color of the priming or the painting ground which he used. By the term priming we mean the first coat or surface preparation put on a wooden panel, canvas or other material which is to be used for painting. The fifteenth century masters, as well as those of the early part of the sixteenth century, painted almost exclusively on panels of wood primed with gesso.* The panel was first thoroughly seasoned, shaped and planed down to a smooth flat surface. Then the gesso sizing or priming was applied, and when this was quite dry it was rubbed and polished to a hard mirror-like surface to which pigment readily adhered.** A gesso priming was rarely used on a canvas backing as there was a tendency for the priming to crack off in the event the canvas was rolled or severely jarred, and to peel off if the canvas backing was exposed to a damp wall for any length of time.

*Gesso is a preparatory sizing generally made of rotted plaster of Paris mixed with glue, or chalk mixed with glue. Sometimes the glue was made by dissolving parchment or was obtained by boiling the hoofs and skins of animals. In its broadest meaning, gesso is any aqueous, white priming or ground material used to prepare wooden panels or other supports for painting or gilding. Today, the word gesso has taken on an even wider meaning, and may include grounds made from zinc oxide or any other white, even as in the half chalk ground when they are mixed partly with oil.

**The white gesso priming served the purpose of a surface base for the drawing and the pictorial work which, in the case of the portrait paintings of Leonardo, was a combination or mixed technique of tempera and oil. The exact meaning of the term "mixed technique" has never been specifically settled. It is generally taken to be the combination, in one pictorial work,

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In order to establish in a factual manner the authenticity of either the Hahn or Louvre paintings, the first scientific step would be to determine the characteristics of the priming of each painting, and then to check the composition and color with the primings on authentic paintings of Leonardo. The importance of the characteristics of the primings in these two paintings cannot be underestimated, and will be of a particular significance when the X-ray shadowgraphs of each painting are discussed in a later chapter. Fortunately, we know the color da Vinci recommends for a priming. He tells us that in his *Treatise on Painting*. If some of the Duveen experts were so bold as to contend in a court of inquiry that Leonardo wrote one thing and did another, they conveniently forgot to produce any creditable evidence to support their contention. It is within the realm of possibility that Leonardo may have done so, but I think it highly improbable. So did the jury. So consummate a master, so careful a worker, would hardly have taken the pains to record the minute details of his technique, which he intended to stand as a guide for his pupils and others, and then turn around and violate his own precepts.

Some of the expert opinions, which were given at the trial about this question of priming, were rare bits of guessing and worthy of record. Let us have a look at them: Sir Charles Holmes was asked if he knew the color of the priming of the Hahn painting. Sir Charles replied, "One can see, the color is red." There can be no doubt about this opinion. This great English expert said he could see it, and that it was red. He further knew the color of the priming Leonardo used. He testified, "Leonardo starts as we all can see on a white ground." On that basis, the Hahn painting with a red priming just could not be by da Vinci. So much for Sir Charles for the moment.

of paint that has the lean characteristics of tempera with paint that has the rich characteristics of oil—thin aqueous films coupled with oil or oil varnish color glazes—so that the white gesso underpainting would show through all coatings and give a reflection from within. This produced the effect of luminosity for which Leonardo and his contemporaries were forever striving.

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The late Roger Fry, American art critic with a continental mannerism, thoroughly agreed with Sir Charles that the priming of the Hahn picture is red. As to the color of the priming in the Louvre painting, Mr. Fry had a conclusion by inference. He stated, "It is white, because the peculiar quality of color in that face is the kind which I believe can only be produced by allowing a white original ground or base to show through subsequent layers of color."

Question: "You mean that white counts in the total result all the time?"

Answer: "Yes."

Question: "Do you seriously contend that the priming causes the color of the flesh of the picture?"

Answer: "Most assuredly in Leonardo's case."

Here we have something to chew on. Mr. Fry is very definite in his estimation that the white priming of the Louvre painting is the determining factor of the color of the flesh tints in the painting. Furthermore, that was Leonardo's technique according to Mr. Fry and the Hahn priming, according to his version, is still "red."

Now let us see what the dean of the Italian critics, the venerable Professor Adolpho Venturi, author of many books and treatises on Italian art, has to say about the color of the priming of a genuine Leonardo da Vinci and its effects on the flesh tints. Professor Adolpho Venturi deposes, "The flesh in da Vinci's pictures always has a golden glow. It is flesh enveloped in a golden veil and you can see it in the Louvre *La Belle Ferronniere*, and you can see it in *The Virgin of the Rocks* in the Louvre. You will see a flesh almost bronzed, a sort of golden bronze that is peculiar to da Vinci. He obtained this color effect by placing beneath his pictures a priming or first coat of sepia or reddish brown, and with this first coat the lighting took on a certain warmth that is not to be seen in the Hahn picture." Cross-examined as to the color of the priming in the Louvre painting, Professor Venturi reaffirmed his opinion, "The red is in the

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priming of the Louvre painting, and the color of the first coat permeates the color of the flesh in the whole of the face and in the tint of the face; even the shadows have something golden about them. That is what I said."

Well, it has happened! These art experts are miracle workers. It is no longer the priming in the Hahn picture that is "red." Now we find that the priming of the Louvre painting has done a quick change-over from the "white" of Sir Charles Holmes and Roger Fry, to the "red" priming over which the venerable Venturi almost wept in adulation. The diametrically opposed opinions of these Duveen authenticators is enough to overtax the mental agility of anyone trying to make sense out of their testimony.

Professor Schmidt-Degner, the eminent Dutch expert and Chief Director of the Rijksmuseum, Amsterdam, has an appreciation of the wonderful golden glow which Venturi finds so characteristic of Leonardo's paintings and it is refreshingly laconic. "Golden hue means nothing," he says.

Sir Charles Holmes comes back at Venturi's golden glow idea in this manner: "The Louvre painting," says Sir Charles, "has an effect of warmth because it is covered with a very old brown varnish; it is a beautiful old varnish, mellowed and toned down a great deal, but if this varnish were taken away, you would find underneath a much colder picture. I think you would find it pretty cool underneath."

In this opinion, Sir Martin Conway concurs.

Question: "Isn't it your opinion that the golden hue in the Louvre painting was caused by varnish?"

Answer: "Yes. When I looked at it the other day we talked of that very point together, and certainly that appeared to be a very sound observation."

Question: "Do you find any such golden hue in the *Mona Lisa*?"

Answer: "I don't think so."

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Captain Robert Langton-Douglas, who has chameleon-like qualities as an art expert, as we shall show later, deposes on the question of the color of the priming on Leonardo's paintings in this manner: He testified that he "could not swear as to the color of the priming on any one of Leonardo's pictures." Asked this question, "Now if one of the expert witnesses for the defendant volunteered the opinion that the color of the Hahn priming was red, namely Sir Charles Holmes, can you find that it is?", he replied, "I shouldn't like to say what color it was." Captain Douglas also was "unable to find any golden glow or bronze hue in the *Mona Lisa*."

We now come to Mr. Maurice Brockwell, the well known British critic and art writer, who did not see the Hahn painting but volunteered his learned opinion from a photograph which the Duveen attorneys provided. Asked his opinion as to the color of the priming in the Hahn painting, he said, "Risking an opinion from looking at a photograph, I would say that the priming in the Hahn picture was black." Right here, I am taking the liberty of "risking an opinion" myself. I believe that any art expert who would dare "risk" an opinion as to the color of the priming in a painting from looking at a black and white photograph, as did Mr. Maurice Brockwell, is either a fool or a charlatan.

On occasion such as this, one is tempted to discard impersonal attitudes and give full reign to emotional disgust, but words fail me. It is indeed regrettable that a man supposed to have professional standing and scientific probity, and who testifies in a court of inquiry in the capacity of an impartial professional expert, could be possessed of so little respect for the common decency of fair play as even to risk an opinion about the priming of a painting from looking at a photograph. However, this business of passing photographs around for expert opinion is a common practice in the art world. Look at the following testimony: Bernhard Berenson was questioned, "Now, Mr. Berenson, I would like you to tell me whether, in the art world, opinions respecting

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paintings are not largely made up by photographs, or on photographs?"

Answer: "I am afraid they are, but they ought not to be."

Question: "Isn't it a current practice except in cases of great dispute, that photographs are passed back and forth to experts for examination and that they write their opinions on the back of them?"

Answer: "Yes, but I am afraid that it is an abusive practice, and, except in very old masters who painted in almost linear designs, and some of the cruder primitives, it is an extremely hazardous matter to pronounce judgment about a picture from a photograph only, and I don't think it is honorable."

So Mr. Berenson thinks this photograph expertizing business is "abusive" business, "hazardous," and not "honorable." Well, let us see just how much he thinks so.

Maurice Brockwell is questioned, "Did you ever know of any art museum or any art dealer, or any connoisseur forming a judgment as to the authenticity of an old master from a photograph?"

Answer: "All the time; the great majority do that."

Question: "Give me a single instance?"

Answer: "Every dealer in Bond Street. I have seen Berenson sort out photographs like packs of cards."

Well, well, Mr. Berenson! How aptly you term this photograph expertizing business "abusive," "hazardous," not "honorable."

Let us return once again to this matter of the color of the priming in the Hahn and Louvre paintings. As a fitting climax and a sort of accolade for the experts of the Duveen clan who could "see" the priming of the two paintings, let us turn once again to the opinion of the Dean of the picture makers, Berenson. He, according to the man who paid him ten percent of the sales price on the paintings he authenticated, is "the greatest expert in the world on Leonardo."

Question: "Mr. Berenson, do you know anything about the priming of Leonardo's pictures?"

Answer: "Not the faintest idea."

DA VINCI, MASTER OF COLOR

Question: "Not the faintest idea?"

Answer: "No."

Question: "Do you know the color of the priming of the Louvre picture?"

Answer: "No, I do not."

Question: "Do you know the color of the priming of the Hahn picture?"

Answer: "No."

Question: "Wouldn't you consider it very important as an expert to ascertain whether the priming, the first coat, was exclusively of a color used by da Vinci?"

Answer: "How are you going to do that? It can not be ascertained. I want it written down here that that is pure nonsense, pure humbug."

The mutable opinions of these great art experts is indeed most confusing to anyone who is interested more in facts than in verbal novelties. If an expert can tell anything at all about the color of the priming under a painting by simply gazing at it (and some of the Duveen clan thought they could, as appears from indirect evidence), it seems queer that there should be no better accord in their judgments about the simple matter of color. At any rate, it is sufficiently clear that their subjective estimates as to the color of the priming of these two paintings are too variable to be of any value. They run the gamut from "white," to "red," to "black," to "don't know," to "pure nonsense, pure humbug," which, when duly considered, is quite a color spectrum, even for art experts. Frankly, could anyone with an iota of intelligence take opinions such as these as valid opinions? Do they agree with the facts? The answer to the first of these questions I leave for the determination of my reader; for the answer to the second, we shall again refer to the court record.

None of the Duveen art critic experts who deposed on the subject of the priming color, could actually know the color of the priming on either of these two pictures as the result of merely a visual examination. Unaided by scientific apparatus such

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knowledge is impossible. None of the experts was given the opportunity to scratch off any surface varnish, paint or glazings, or to take any cross-section hollow needle sampling of either the Hahn or Louvre paintings. Also, I have serious doubts whether any of these experts has ever been permitted, at any time, to penetrate surface glazings on any genuine example of Leonardo's work in order to determine the color of the priming.

Of all the various opinions offered on the subject of priming color, I think the most reasonable and most competent opinion given would be that of the scientist Professor Arthur Pillans-Laurie, professor of chemistry at the Herriot-Watt College, Edinburgh. He is an eminent authority and writer on the subject of pigments and the materials for painting. Professor Laurie was afforded the opportunity, because he was a scientist, to make a thorough microscopic examination of both paintings at the Louvre Museum. He was, therefore, well qualified to depose as to certain facts about the pigmentation of both pictures, and as to the color of the primings. His conclusions were: "The color of the priming in the Hahn painting is white," and, "the color of the priming of the Louvre painting is also white." He also testified that he "was unable to see the priming through the flesh tints in either picture."

I believe that any reasonable person would, as did the overwhelming majority of the jury, accept da Vinci himself as the best and most acceptable authority* as to the color of the priming he used on his paintings. Let us refer once again to Leonardo's *Treatise on Painting*. He tells us, "If you would obtain a fine color effect prepare first of all a white surface."

Thus, on the question of the priming color of the Hahn and Louvre paintings, we leave the champion picture authenticators of the Duveen clan trapped in a maze of conjecture and absurd drivel of their own invention. Leave them in? Well, as the learned Bernhard Berenson is wont to say, "pure nonsense, pure humbug."

*Excerpt from testimony of Bernhard Berenson: "Leonardo was himself the best authority on his own technical characteristics."

DA VINCI, MASTER OF COLOR

The paintings of Leonardo are rare. In all probability the majority of art students in the United States has never actually seen an authentic painting or even an original drawing by this great master. No matter how excellent a reproduction may be, it always falls considerably short of the original. This is especially true of the reproduction of paintings. The reproduction of drawings or designs is generally good enough for purposes of study. The art of heliogravure and color collotype has become so perfected that the art student need have no fear of using reproductions of da Vinci's drawings for quite advanced study.

The merit of Leonardo's drawing brought forth from the Duveen experts some widely varying opinions. While some shading and degree of opinion might be expected from art critics, and widely varying estimates could be expected from amateurs and students, one would expect that professional art experts would have relatively little variation in their estimates of the technical qualities of linear design.

Obviously, the drawing of da Vinci must either be good drawing, bad drawing or indifferent drawing. It cannot be all three degrees at one and the same time. Leonardo either drew well or he drew badly. If he drew so indifferently and was so erratic in his draftsmanship that his drawing varies from good to bad, it is apparent that expert opinion concerning the authenticity of a painting attributed to him could not be founded, with good technical reason, upon the merits of drawing.

As to the quality of Leonardo's drawing, we have it on the opinion of Sir Charles Holmes that "Leonardo never failed as a draftsman," and from Captain Langton-Douglas' latest book on da Vinci comes his appreciation, "He (Leonardo) was, it is true, one of the world's greatest draftsmen." Here we have the opinions of two world famous experts who are rated as authorities on the work of da Vinci. Balance their opinions against that of Bernhard Berenson, the author of two monumental volumes* on

*Bernhard Berenson, *The Drawings of the Florentine Painters of the Renaissance*, G. P. Putnam & Sons, London, Vs. 1, 2.

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the drawings of the Florentine masters, who testified, as a Duveen defense expert on the characteristics of Leonardo's drawing, in this manner, "Leonardo's drawings do not sin by being too painstaking; he can hardly be ranked with the mightiest draftsmen." There is so wide a gulf in the estimates of these three experts that no common ground can be reached that will permit even tacit accord in their opinions. What these experts have accomplished in expressing their appraisals of da Vinci's drawing, is simply a voicing of emotional likes or dislikes.

Any number of subjective opinions were advanced by the experts about the merits and demerits of Leonardo's drawing. Most of them, when technically considered, summed up to nothing other than a grand farrago of nonsense. I venture to state that in the whole history of art there can not be found an evaluation as to the merit of da Vinci's drawing which parallels the incogitancy of the following excerpt from the testimony of Monsieur Leonce Marie Nicolle. Monsieur Nicolle, former attache of the Louvre and Prado Museum was called by Sir Joseph Duveen as a qualified defense expert. Monsieur Nicolle admitted, on examination, that he did not know what was good drawing or what was bad drawing. This statement could have been taken as a fair and honest self appraisal of his technical abilities as a judge of the quality of Leonardo's draftsmanship, had he let it go at that. However, during the course of his examination, a question arose about the quality of the drawing in the painting *The Virgin of the Rocks* in the National Gallery, London. Monsieur Nicolle was questioned, "Now is it not a fact that as a matter of anatomical proportions, both hands of the Virgin are twice as large as they should be?" And what do you suppose was the answer of this astute art critic? Just this, "Yes, but I will ask you to take into consideration that this is the Virgin and not a normal woman." In my opinion, this reply, as an example of sheer nonsense and unadulterated subjective foolishness, stands alone.

The Olympian Critic

Chapter 8

Previous to the Hahn-Duveen case the position of Bernhard Berenson among the critics of art was securely Olympian. Since that unpleasant affair some of his contemporaries, who have at times been the object of his waspish appraisals, have been pot-shotting at the great number of Berensonian attributions and artistic theories which have turned out to be duds. Mr. Berenson has been obliged to revise completely and enlarge on some of his previous works, as well as swallow whole chunks of faulty guesses.

Perhaps the most lengthy artistic criticism given during the trial concerning the Hahn and Louvre paintings is contained in the deposition of Mr. Berenson. Mr. Berenson has come a long way from the time he was a private flunky in the art galleries of Florence (escorting tourists at one lira per head) to the position of an international expert. The in-between experiences he acquired, however, permitted him to speak and write voluminously on the paintings of the Italian masters, as well as to act as consultant to the world's greatest art dealer. Cloistered in his sumptuously furnished forty-room villa I Tatti, high above the banks of the Arno, this Dean of the Dilettantes came to delight himself in the game of attributions. He fitted this picture into the word "Botticelli," that picture into the word "Duccio," or, as a distraction, he fitted Donna Laura Minghetti's fake* into the word "Leonardo."

*The critic Morelli, who died in Milan in 1891, bequeathed his collection of paintings to the town of Bergamo, with the exception of a portrait, A Young Lady, which he left to his friend Donna Laura Minghetti. The fact

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Whether Mr. Berenson's artistic criticisms and conclusions expressed in court about the authenticity of the Hahn and Louvre paintings are in keeping with the opinions of other critics of equal importance, or, what is more significant, whether they are in accord with his own previously expressed opinions, can be determined by comparative means. In one of Berenson's numerous publications* is found this statement concerning the authenticity of the Louvre painting *La Belle Ferronniere*: "Paris, No. 1600. *La Belle Ferronniere*. One would have to regret to accept

that there is documentary record of Leonardo having painted a portrait of Cecilia Gallerani afforded Morelli the opportunity of a name for his portrait. It was quickly called Cecilia Gallerani, although in all fairness to Morelli it must be said that he had at least the professional honesty not to assign this painting to the brush of the immortal Leonardo.

After Morelli's death, the portrait was taken to Rome by Donna Minghetti. There it apparently remained unnoticed for several years, although its existence was fully known to the expert Frizzoni and all of Donna Minghetti's friends. However, it didn't take the intuitive sixth sense of Bernhard Berenson very long to discover it, once he got on the trail. In 1896, in the first edition of his *Florentine Painters*, this Duveen clan critic lists this fake painting as an authentic portrait by Leonardo "not quite finished and early." We read in the text (p. 66), "Look at the many sketches for Madonnas; look at Donna Laura Minghetti's Profile of a Maiden or at the Belle Joconde (Note: Belle Joconde refers to the Mona Lisa in the Louvre Museum), and see whether you find their equals." The same information occurs in the second edition, 1903, but with a preface dated November, 1899; it has been altered in the third edition, 1908, where instead of the Minghetti picture we find mention of the cartoon for the Isabella d'Este portrait in the Louvre.

The alteration in the third edition is because of the fact that in the meantime (1898) this fake portrait was purchased by Theodore Davis of Newport who had commenced to make some inquiries about it. Whether or not Berenson had anything to do with the sale is unimportant as regards his position as an art expert. The fact is, that he definitely attributed to Leonardo da Vinci a painting which was nothing other than a modern forgery.

The exposure of this fake Leonardo was made by the famous Milanese picture restorer, Signor Cavenaghi, who, incidentally, was one of Morelli's intimate friends. Signor Cavenaghi declared that the Minghetti portrait was the work of a modern forger named Tricca, and that Morelli was well aware of this fact. This man Tricca, who was the author of several other forgeries which found their way to the United States, was a native of Borgo San Sepolcro, and started painting and dealing in "masterpieces" in Florence around 1850. Another Italian forger to whom American collections are indebted for some of their best "primitive Sieneese masterpieces," is Frederigo Ioni.

*The North Italian Painters of the Renaissance, Bernhard Berenson. G. P. Putnam's Sons, London. 1907. P. 260.

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this as Leonardo's own work." When Sir Joseph Duveen realized that his great prestige and several million pounds sterling didn't overawe the Hahns, and that he had, for once in his career, a real honest-to-goodness first-class fight on his hands, he called for his clan to make a last ditch stand, even if they had to stand on their heads. This is the time when Mr. Berenson evidently made the discovery that he had changed his mind about the authenticity of the Louvre painting, and could dispense very easily with his previous opinion which was filled so full of "regrets."

Whether Mr. Berenson's changed opinion has any probative value can best be estimated from his own testimony on the matter. He was emphatic in his statement that he was fifteen years making up his mind about the Louvre picture. Although Mr. Berenson said he changed his mind about the authenticity of the Louvre painting, at no time did he indicate the reason for the change. Certainly no change could be noted in the painting. No new historical facts had come to light that would have had bearing upon its authenticity.

He stated, "I want to relate just what happened here in Paris. Perhaps as long as twelve years ago, I was passing through here, and Mr. Joseph Duveen begged me to come down and see him. I went, and he showed me a picture (known as the Benois Madonna), and it was a picture I instantly recognized as being by Leonardo."

Question: "Uncatalogued?"

Answer: "Yes."

Question: "Unlisted?"

Answer: "Unlisted. It appeared in Russia in some mysterious way I have never been able to trace*, and it was brought here, as I found out afterwards, (you will excuse me for saying this) with the sole intention of its being shown to me. Mr. Duveen apparently was taken in. He had supposed they had brought it to

*I suggest to Mr. Berenson that he look up the records of a painting that was sold at Christie's in London on April 16, 1904, coming from the estate of the Rt. Hon. C. Seale Hayne.

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him to purchase.* They really brought it for me to expertize, to find out what I had to say about it. I immediately pronounced it genuine, and the Russian government snapped it up."

Question: "And was this published?"

Answer: "Of course. It was an epoch making publication apart from other considerations of whether it was a great picture. The fact that a new Leonardo had turned up was an epoch making event to all students of art."

Despite the fact that Mr. Berenson proclaimed that his recognition of the Benois Madonna as a "new" Leonardo was "an epoch making event," and so important to all students of art that he published his findings immediately, we find that he kept a sphynx-like silence regarding his purported change of mind about the authenticity of the Louvre painting. Apparently the *La Belle Ferronniere* in the Louvre Museum that Mr. Berenson so seriously regretted in 1907, and which, as he testified, became a genuine Leonardo "about 1914," was not quite such an important "event" or so "epoch making" as was his recognition of the Benois Madonna. He failed to record at the time in any publication whatsoever his change of opinion; nor did he even consider it of sufficient importance to acquaint the officials of the Louvre Museum that a "new" Leonardo existed in the Louvre. I think, as a matter of fact, it is well established that Mr. Berenson's change of mind about the authenticity of the Louvre

*The Leonardo to which Mr. Berenson refers, is a painting now known as the Benois Madonna. Despite the certification of Mr. Berenson, however, the picture was not purchased by Sir Joseph Duveen. Although Sir Joseph testified that he had "offered Madame Benois one million five hundred thousand dollars for the painting," it is a matter of common knowledge that the painting was eventually sold to the Russian Government for but eighty thousand dollars. Sir Joseph may have been spinning a yarn to impress the court about his large offer for the painting. The New York Times of January 7, 1911, commented on the affair of the Benois Madonna as follows: "The picture belongs to Professor Benois of the Imperial Academy who agreed to sell the painting to Duveen for twenty thousand pounds if the Hermitage declined to buy it. The painting is apparently a production of the artist's earlier years, like many discovered works attributed to old masters. Its authenticity is not admitted by all leading experts and the comparative smallness of the price suggests doubt exists on that point."

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painting occurred at the time when the world's greatest art dealer, Sir Joseph Duveen, needed some hefty expert assistance to back up his own hastily considered opinion about the same picture.

We found in an earlier part of this review of expert testimony, that Mr. Berenson did not agree with the other experts on the matter of the priming of the Hahn and Louvre paintings; now we find that he apparently does not even agree with himself as to the authenticity of the Louvre painting. The surprising developments of a further examination of Mr. Berenson's opinions permit us to determine whether his other subjective estimates of Leonardo's characteristics are of any value.

After a very thorough examination (at least as an examination is carried on in the Berensonian manner), Mr. Berenson stated that he found the Hahn painting too dark in the shadows and too smooth in general effect. "These two manifest characteristics of the Hahn painting would," according to Berenson, "exclude the Hahn painting as an authentic Leonardo."

Now, as a comparative expert opinion, let us consider what Sir Charles Holmes has to say on the "too dark shadows" and the "too smooth" characteristics which Berenson observed in the Hahn painting to be so definitely anti-Leonardo. Sir Charles deposes, "A want of luminosity in his shadows? I should say, yes, that Leonardo did get his shadows sometimes too dark in his efforts to get the solidity to which you previously referred." He continues, "Since it was in the early days of oil painting one of the technical peculiarities of oil painting, that is to say, when you paint a darkish shadow with oil, the shadow tends to get darker with time and the consequence is that, although nobody produces more transparent shadows than Leonardo, when they are dark toned they go black." As to the "too smooth" effect which Mr. Berenson noted in the Hahn painting, we find Sir Charles Holmes, once again, accepting this effect as typically characteristic in a most important as well as authentic painting by da Vinci.

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Question to Sir Charles, "And did you not in a lecture say that the *Madonna and St. Anne* was elaborated to the verge of smoothness?"

Answer: "It is quite possible on the verge of smoothness. Like the other works of Leonardo it is on the verge of smoothness."

We are here confronted with the question of "dark shadows" and "too smooth" effect, with diametrically opposed opinions from two supposedly world famous and highly competent experts on the works of da Vinci. The touchstone of non-authenticity for one appears to be the touchstone of genuineness for the other. As we review these experts' opinions, we must constantly bear in mind that the basis for comparative criticism is founded upon a comparison that was made with the Louvre painting. At no time did the Duveen experts compare the Hahn painting with an authentic painting by da Vinci, although they were provided with every facility and opportunity to do so.

Here are examples of the kinds of conflicting expert opinions which make the dealing in old masters such a thoroughly fascinating as well as such a profitable business. As long as parvenu collectors are willing to accept as tokens of authenticity the attributions of theorists, men whose opinions are derived from personal tastes or individual proclivities, just so long will they continue this extravagant business of dumping old paintings which are as fatherless as foundlings. The quandary of the old darkey of "is you is or is you ain't" is no dilemma at all for the picture authenticators; they "is" or "ain't" as best befits the dollar mark occasion.

Returning once again to the testimony of the great Bernhard Berenson: He finds that the Hahn picture as compared with the Louvre painting "has eyes that are too staring; a mouth that is weaker and more luscious; the figure is saggy, bulgy and much heavier; there is no anatomical structure; one can not tell where the cheek bone is . . . in fact," he says, "one gets all the impressions of a mask." Briefly stated, the Sage of the villa I Tatti, in his appraisal of the Hahn picture used all the stock phrases of

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his vernacular, only this time he used them in the sense of damning. On another occasion he used the same words and expressions about a painting he attested was "an epoch making da Vinci". This unique vocabulary of *double entente* serves Mr. Berenson very well. It permits him to be on both sides of a fence at one and the same time. It permits him also to meet situational necessities of all sorts. Note his favorable estimations of the Leonardesque qualities of the "epoch making" Benois Madonna. Note also that his appraisal of the Hahn painting, though unfavorable, is uncannily similar in the matter of verbiage.

"One unhappy day," he writes*, "I was called upon to see the Benois Madonna, a picture that turned up in Russia some years ago and has since been acquired by the Hermitage. I found myself confronted by a young woman with a bald forehead and a puffed cheek, a toothless smile, bleary eyes and a furrowed throat. The uncanny anile apparition plays with a child who looks like a hollow mask fixed on an inflated body and limbs. The hands are wretched, the folds purposeless and fussy, the color like whey. And yet I had to acknowledge this painful affair as the work of Leonardo da Vinci. The Hermitage Madonna obliges me to reconsider the canon of Leonardo's work." (Mr. Berenson could also have added to his appreciation that the mouth of the Madonna is vacuous and suggests a pronounced case of adenoids). If my reader will just stop for a minute and consider the Berenson critique of the Hahn painting, and then his critique of the Benois Madonna, he will better understand what I mean when I said, "If you want to know what he really means, you must first know why he says it." The "why" of Mr. Berenson's damning appraisal of the Hahn picture was motivated by the fact that Sir Joseph Duveen was finding this painting to be quite a burr in his underwear. In the instance of the Benois Madonna, the "why" was motivated by the fact that he was here appraising a painting that the world's greatest art dealer was interested in pur-

*The Study and Criticism of Italian Art, Bernhard Berenson. G. Bell & Sons, London, 1901, P. 8.

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chasing. He wanted to buy it at a nominal figure for resale on the dollar mark tariff to some American millionaire. The only hitch in the matter was that the Russian Government obliged Professor Benois to sell the painting to the State. This left the world's greatest expert on Leonardo holding the sack for that ten percent sales price commission which was customary when Sir Joseph Duveen was the intermediary.

In an expert critique of the Louvre painting, *La Belle Ferronniere*, Mr. Berenson testified, "If it has a fault it is too hard and too firm." He said he had a feeling he could shake her head, as if it was done in terms of terracotta. "The Hahn picture lacks this severity and hardness of the Louvre original," he said. Frankly, this appraisal by Berenson of the characteristics of the Louvre painting is the best statement I have ever seen confirming its lack of authenticity, this is quite the opposite to what Mr. Berenson intended it to be. The hard and stiffly drawn contour, along with the dull dead surface of the Louvre picture is ample evidence that Leonardo da Vinci never painted it. As a test of the validity of Mr. Berenson's observation of "a hardness, severity, and firmness" in the Louvre picture, let us refer once again to Leonardo and his *Treatise on Painting*. He says, "You must not mask any muscles with hardness of line, but let the soft light glide upon them and terminate in delightful shadows; from this will arise grace and beauty to the face."

While Mr. Berenson admitted that he found a much greater roundness in the Hahn picture than in the Louvre picture, we find Captain Langton-Douglas testifying that Leonardo, in his *Trattato della Pittura*, insisted that a woman's face be rounded. Sir Martin Conway confirms that there were "imperceptible gradations in Leonardo's drawings and a striving after roundness."

Professor Schmidt-Degner complained of "the sweetness of the smile, the broad face and the big eyes, the sensuous mouth, and the too sentimental expression of the Hahn painting." Balance this critique of Professor Schmidt-Degner with this excerpt

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from the pen of Dr. W. R. Valentiner,* "If we compare the *Belle Ferronniere* (Louvre version) with this much younger person, we find the same full face, the same fully developed neck and chest with sloping shoulders, the same protruding, round dark eyes, which stand rather far apart. Similar is the nose, broad at its base with heavy nostrils, and the curved mouth with its sensuous lips and somewhat sullen expression, as well as the round chin which is clearly separated from the lower lip." Here we find Dr. Valentiner using practically the same words and phrases that Professor Schmidt-Degner used in criticising the Hahn painting, only Valentiner now uses them in reference to the Louvre picture.

Once again let us return to the aspect of "roundness" which Berenson found "to be so much greater in the Hahn picture than in the one in the Louvre Museum." Going into a detailed critique, he pointed out "a rather straight line from the cheek bone to the depression of the mouth in the Louvre painting," which he caustically remarked "was much rounder in the Hahn picture." Pointedly, he called attention to "a distinct obtuse angle in the left-hand corner of the bodice of the Louvre painting,"* as if it were in itself a characteristic of Leonardo's technique and sufficient to quash all argument. "It isn't an angle at all in the Hahn painting but there it is round," affirmed Mr. Berenson. "In fact," he continued, "the whole Hahn painting is translated from something angular as things were in the fifteenth century, to much suaver curves as were characteristic of the eighteenth century."

Coming from an art critic of the international repute of Berenson, a statement so wholly distorted in its factual element is almost unbelievable. To imply that there is an angular aspect observable in the authentic works of da Vinci is absurd.

*Dr. W. R. Valentiner writing in *Art in America and Elsewhere*, January, 1937, v. 25.

*The obtuse angle in the left-hand corner of the bodice of the dress (right side of painting) is distinctly an error in drawing by the copyist who made the Louvre painting. See Plates Nos. I and II.

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Dr. Richard Muther,* a most erudite critic on Leonardo da Vinci, wrote the following paragraph which is a complete refutation of the "angular" thesis of Mr. Berenson: "In Leonardo's drawings", he writes, "are to be found the studies for all these graceful heads so widely known from the master's pictures. There is among them a Mary whose large eyes glow with soft languor, whose voluptuous lips arch and pout as though under warm kisses. There is no denying that Leonardo in his quest for beauty discovered eminently suitable models in Milan. The Milanese woman possesses voluptuous undulating softness which is more characteristic of French women and contrasts with their harsher bonier Florentine sisters. Into this angular world came Leonardo da Vinci as the apostle of all that was rounded and soft. His compositions were built up on undulating lines, the angles have entirely vanished, nothing is seen but circles, arches and curves. Figures became rounded, nothing but rounded objects, dishes, soft cushions, curved vessels are now employed as accessories. And this cult of the rounded, it is well known, henceforth ruled the Art of the Cinquencento."

Can my reader even faintly detect anything in the appreciation of Leonardo's work, as given by Dr. Muther, (a wholly unbiased critic) that confirms the stiffness, hardness, firmness, the severity, the straight line from the cheek bone to the depression of the mouth, the distinct obtuse angle in the left-hand corner of the bodice, which Mr. Berenson very carefully pointed out in the Louvre painting as definitely Leonardesque? Isn't it obvious that all the faults that Berenson claimed in the Hahn picture, its very lack of Leonardesque qualities which he attributes to the Louvre version, are in reality the undeniable technical evidences that are not only typical, but observable, in all the genuine works of da Vinci?

The opinion of Dr. Jens Thiis, the world renowned expert on Leonardo, also contrasts sharply with that of Berenson. Dr.

*Richard Muther, *Leonardo da Vinci*. Siegle, Hill and Company. London, 1907.

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This has given the art world two monumental volumes," in which he has critically analyzed the technical qualities of the works of Verrocchio and Leonardo. His reasonings, founded upon critical research and voluminous documentation, has the cachet of authority. Nowhere can the art student find a more learned and competent opinion than that of Dr. Thiis, who writes, "The small tight mouth and very fair artificially curled hair are peculiarities of Verrocchio and not Leonardo, who loved full lips, a frank gaze from large eyes with strong formed eyelids. He is severe without being stiff and angular."

We will now consider another objection of Mr. Berenson's as to the authenticity of the Hahn painting, which was based, as he says, upon the method of painting the jewel that is on the forehead, and the two black strands that circle the head and hold the jewel in place. "The strands which cross the forehead in the Hahn picture sag; they are perfectly straight in the Louvre painting. The method of painting that jewel in the Hahn painting did not occur before Correggio or Titian, and that is significant," so reads the the testimony of the principal expert of the Duveen clan.

Just what Mr. Berenson really means when he speaks of the "method" of the painting of the jewel in the Hahn picture is not too clear. Mr. Berenson testified that he was not an expert on technique. His statement does, however, have the implication that Leonardo had nothing to do with the painting of either the jewel or the black strands which cross the forehead of the lady in the Hahn portrait. I am quite sure that in making this observation about the jewel of the Hahn painting, Mr. Berenson did not realize the importance of his assertion or he certainly never would have made it. In so doing, he made what he thought would be an air-tight criticism against the authenticity of the Hahn picture. The fact is, however, that Berenson's testimony about the jewel really confirms the authenticity of the Hahn painting. *Had the method of painting that jewel in the Hahn por-*

*Jens Thiis, Leonardo da Vinci. B. Jenkins, Ltd., London, 1913.

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trait been technically the same as the method of painting of the rest of the picture, as it is in the Louvre painting, we would have evidence of a very conclusive nature that the picture was not done by Leonardo.

For the edification of Mr. Berenson and the information necessary for my readers, I wish to cite a somewhat rare volume entitled *La Belle Ferronniere*, written in 1860, by Albert Theodore Xavier Blanquet, a copy being deposited in the Bibliotheque Nationale, Paris. The whole story of the tragic life of La Belle Ferronniere is told in this book. Among other interesting things we read, "Francis I, the King of France, commanded Primaticcio, Court Painter at Fontainebleau, to paint the jewel upon the forehead of his mistress (Lucrezia Crivelli) in the portrait that had been painted by Leonardo."

For the moment, however, let us return to the deposition of Professor Adolpho Venturi. My reader will recall that he discussed with so much fervor his feelings about "the marvelous golden glow" which he could see in the Louvre painting, and which he indicated was an effect of da Vinci's "typically characteristic red priming." I want to show my reader to what great lengths an expert of the Duveen clan can extend himself in an effort to support the dictum of the Chief. Venturi's golden glow nonsense was just a little color-tone side play for him. As a grand demonstration of color analysis, intended eventually to impress a jury in far away New York State, note how he gave his sensitive discerning faculties full play. His deposition is full of color terms like "amaranthus red," "brilliant yellow," and an almost poetical phrasing of what he termed "a white bathed in water."

This imposing Italian art critic (it took almost two pages of record to enumerate the decorations and honors which had been showered upon him), was privileged to be comfortably seated for over three hours in front of both paintings, and was given full opportunity to say what, and as much as, he liked for the record. He certainly made the best of it as a color analyst of the "characteristic colors of da Vinci." All these he could see in the paint-

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ing which the world's greatest art dealer had newly baptized with the name of "Leonardo." In all this there is nothing exceptional or different in any great degree from the procedure of the examinations of the other Duveen experts, save for one thing. All the time the much distinguished Venturi was deposing in the capacity of "a fair and impartial expert," and was telling his impressions of the color values he found in each painting, he was wearing a pair of dark-blue glasses about three-sixteenths of an inch thick; these he never once removed during his entire deposition. The defense attorneys in attendance evidently overlooked the import of the dark-blue glasses which their expert was wearing, and not until the termination of Venturi's deposition were they seemingly aware of the predicament of their witness. This came when the attorney for the plaintiff requested the commissioner in charge of the proceedings to make note of the dark-blue glasses in the record.

Of course, anything that Venturi may have said concerning the color values in either painting is conditioned as to probative value, because of the effect of his dark-blue glasses acting as a color filter. If this Italian critic came to Paris already cocked and primed for a deposition in favor of his friend Sir Joseph, he should at least have been thoughtful enough to have removed his glasses when he spoke his piece, and nobody would have been the wiser.

It may be, however, that Venturi's memory is as bad as his eyesight. This is evidenced by another excerpt from his testimony.

Question: "How long have you known Sir Joseph Duveen?"

Answer: "Since I came to Paris." (Professor Venturi arrived in Paris for the examination on or about September eighteen, 1923, and the examination was held one or two days later). As a check on Venturi's memory as to the length of time he had known Sir Joseph, we need only refer to the testimony of the world's greatest art dealer to find that he testified he had known Professor Venturi "for twenty-five or thirty years." Then, too,

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there is the matter of a book* written by Adolpho Venturi called *Leonardo da Vinci, Pittore*, in which he had previously expressed his opinion as to the authenticity of the Louvre painting. Can it be that he had forgotten that, also?

It is a universally accepted fact that all the admirers, as well as the expert connoisseurs of Leonardo's paintings, agree that one of the characteristics most apparent in his portraits is the enigmatic smile of the subject. Critics have penned lengthy and gushing paragraphs commenting upon the sensuous mysticism and unfathomed depths of the smile of *Mona Lisa*. There is no denying that da Vinci has captured that intangible something in the regard of this lady that is openly frank, penetrating, mocking—if you choose—yet withal admiring. This smile, which seems to tell the sublimity of the character of the lovely Gioconda, yet hides it so completely that we are left to wonder whether it is the composite expression of a host of heavenly angels, or the beckoning regard of a common courtesan of the court.

Whether this enigmatic smile is also to be found in the Hahn or Louvre portraits, apparently, is a matter of personal opinion. The experts do not agree. Mr. Roger Fry testified on this perplexing question as follows:

Question: "Is it not a fact that in all pictures, portrait pictures by Leonardo da Vinci, in the *Mona Lisa*, and even *St. John the Baptist* there is an apparent smile on the lips of the subjects?"

Answer: "Yes, I think there is in both those certainly."

Question: "Do you find any such smile on the lips of the Hahn picture?"

Answer: "Why, yes, there is a certain amount of smile."

Monsieur Nicolle, the French expert also held a definite opinion regarding the Leonardesque smile.

Question: "Did you, Monsieur Nicolle, see a smile on the lips of *St. John the Baptist* in the Louvre?"

Answer: "Yes, certainly there is a smile."

*Leonardo da Vinci, *Pittore*, Adolpho Venturi Nicola Zanishelli, Editor, Bologna, 1920, pp. 41-42.

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Question: "Do you see a smile on the lips of the lady in the Hahn picture?"

Answer: "It is a smile, yes."

Question: "Did you see a smile on the lips of the *La Belle Ferronniere* painting in the Louvre Museum?"

Answer: "No."

Thus we find two Duveen experts agreeing that the Hahn portrait shows evidences of the characteristic Leonardesque smile observable in other well known da Vinci paintings. At the time Monsieur Nicolle deposed he was an official attache of the Louvre Museum in the capacity of a consulting expert and his testimony that no smile was observable to him on the lips of the portrait in the Louvre Museum is of first importance. I suggest that it is patent to anyone who makes even a cursory examination of the photographs of both paintings (Plates Nos. I & II) that the sullen expression of the Louvre picture has nothing in common with other portraits from the hand of Leonardo. What it does show in a marked degree is indeed the straight thin lipped expressionless mouth so characteristic of the cramped hand of a copyist.

Another striking instance of conflicting opinion between Duveen experts occurs in answers to questions concerning the presence or absence of a third dimension in these two paintings. Captain Langton-Douglas was asked, "Do you find in the Hahn picture that the eminence of two dimensions has, so as to speak, obscured the third?"

Answer: "That is mostly what it is. There is a line around the face but as regards the third dimension the modelling is rather generalized and elementary; there are not the subtle differences in plane that you get in the Louvre picture."

Evidently Captain Douglas has in mind what Mr. Berenson defines as "space composition," which he tells us "differs from ordinary composition in the first place most obviously in that it is not an arrangement to be judged as extending laterally, or up, or down, on a flat surface, but as extending inwards in depth as

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well. It is a composition of three dimensions, and not in two; in the cube, not merely on the surface."

Well and good Mr. Berenson! Now let us see how your answer on this perspective matter compares with that of Mr. Douglas who saw only two dimensions or perspectives in the Hahn painting.

Question: "Don't you say, Mr. Berenson, that in this Hahn picture there are at least three perspectives?"

Answer: "Yes, because the painter was a duffer."

Here again, we find an inconsistency of opinion. The case of Hahn vs Duveen which should have brought forth from the coterie of Duveen experts an adequate and expert appraisal of the works of da Vinci, and which the art world fully expected, produced instead a lot of banal and inexpert jargon.

▪

“Expert” Examination?

▪

Chapter 9

An expert is supposed to have a somewhat scientific mind. It is assumed he carries on his work by scientific method, by a careful checking and weighing of evidence, and by a strict adherence to facts and chains of facts. The expert is not a guesser or a fairy tale spinner or a liar. Even the art expert, if he is really qualified, is a sort of scientist.

If an art expert, reputed to be competent, testifies that a painting represents the work of a certain artist of the Italian school, and another art expert, equally reputed, attributes the same picture to an English master's brush, clearly one or the other is acting from ulterior motives, or else one of them is radically wrong. It is wholly impossible because of such essential differences in technique, style, and in the very materials for painting in these periods, that experienced experts could find technical characteristics warranting such conclusions in one and the same picture. Note here, however, the testimonies of two Duveen experts.

"I think," says Dr. Schmidt-Degner, "that the man who made the Hahn painting had something to do with Sassaferrato. There is the same coloring and the same form of the face and the same general effect in the Hahn painting as appears in the Sassaferrato school." Now, if this celebrated Dutch art expert, who is the director of one of the greatest art museums* in the world, could see in the Hahn picture the material, physical evidences of the Sassaferrato** school, isn't it a matter of plain common sense

*The Rijksmuseum, Amsterdam, Holland.

**Sassaferrato, born 1605, died 1685. He was an Italian painter whose pictures are highly typical of the Central Italian school of his period.

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that the same evidences or characteristics should be just as visible to Sir Charles Holmes, the celebrated English art expert, who is also a director of a world famous art Gallery?* Sir Charles provides this opinion as to the probable authorship of the Hahn painting, "One sees in it the work of Sir Joshua Reynolds." The fact is patent, despite the aura of museum directorship, and membership in the Duveen clan, that these opinions are not from scientific experts but from pretenders.

This sort of guessing has been one of the main columns of support of the exceedingly prosperous old picture racket. It has loaded American museums and private collections to the rafters with an astounding accumulation of rubbish. Would my reader care to invest a few hundred thousands dollars in an old master whose only guarantee of authenticity was a neatly worded certificate signed by experts given to the above sort of irresponsible conjecturing? When will these waggish gropers in the unknown come out from under cover of their affected mannerisms and pseudo-profession of art expert, and publicly acknowledge that their main stock in trade is nothing other than the "moonshine" of guessing?

We will now consider what Sir Martin Conway, who apparently doesn't agree with either Professor Schmidt-Degner or Sir Charles Holmes, has to say about the origins of the Hahn painting. Sir Martin was asked, "Having given this Hahn picture centuries of existence, have you any idea where it was painted?"

Answer: "No, no idea at all."

However, on cross-examination, he seemed to have at least an inkling. In answering the question, "What did you have in mind about the red in the Hahn picture?" he answered, "Well, I am familiar with the Flemish school of painting and it is a color that is common, or seems to me, to be very common in Flemish pictures, and it does not look very Italian."

Captain Langton-Douglas also believes that the Hahn portrait is Flemish, and suggests that "the cracks are the kind one finds

*The National Art Gallery, London.

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on a work of Nicolas Maes or Rysden and on some Flemish pictures of the latter half of the seventeenth century.” As to the authenticity of the Louvre painting which he certified as an unqualifiedly genuine da Vinci at the Hahn-Duveen trial, Captain Langton-Douglas gives us this interesting testimony! He first of all admitted that he doubted the authenticity of the Louvre picture at the outset of his career as a connoisseur, which had been some twenty-six years previous. “How long did it take you to make up your mind about the Louvre painting?” asked the counsel for Mrs. Hahn. “A long time,” replied Captain Douglas. “You see I was working then in Milan and very much under the dominating influence of Frizzoni who exaggerated the position of Boltraffio in the school of Leonardo, and was the first to question the *La Belle Ferronniere*. In later years, when my eye was better instructed by my own personal experience and when I examined the works of Leonardo, I came to the conclusion that Frizzoni was wrong and that the Louvre painting was too fine to be by Boltraffio, especially since it was painted before Boltraffio was associated with Leonardo.”

Question: “In making up your mind that the Louvre painting could not have been painted by Boltraffio because it was done *before* he came to school under Leonardo, how can you fix the date when it was actually painted by somebody?”

Answer: “From its place in the gradual modification of Leonardo’s style,* and from the works of his associates who were imitating his modification of style and from his other dated works.”

*Speaking of “style criticism” in his latest book on Leonardo da Vinci,** Captain Douglas has this to say on Page 44: “It is a significant fact, in a country in which style criticism had been more assiduously practised than in any other, there hung, for generations, in a great public gallery—a gallery frequented by leading art critics of Europe and America—a painting, the work of a great Italian master with a pronounced personal style, whose authorship these critics had altogether failed to determine, but which finally received its correct attribution from a student of musty documents. In fact, the tendency of style critics to study but one kind of evidence is still active, and has been the cause of unnecessary confusion and misunderstanding in the minds of students of the works of so great an artist as Leonardo.”

**Leonardo da Vinci, *His Life and His Pictures*, R. Langton-Douglas, University of Chicago Press. 1944.

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In weighing the opinion which Captain Douglas gave in court as to the authenticity of the Louvre picture, we must first consider the fact that he was confronted with the necessity of explaining away his recorded position that the Louvre painting was not by da Vinci but by Boltraffio. He says he was "misled" in his previous opinion about Boltraffio being the author of the Louvre picture, because he "was at that time under the dominating influence of Frizzoni who exaggerated the importance of Boltraffio." This gives a slight hint that twenty-six years later when deposing in the Supreme Court of New York State, and with Frizzoni out of the picture, he may have been under the "dominating influence" of Sir Joseph Duveen, who in this instance, "exaggerated" the importance of Leonardo. Perhaps Captain Douglas always falls under the influence of some "dominating" force when making his artistic evaluations.

Captain Douglas did, however, make one statement in his deposition worthy of particular note. He said that in later years when his eye became better instructed by personal experience gained in the examination of the works of da Vinci, he came to the conclusion that the Louvre painting was too fine to be by Boltraffio. He said also that it was painted *before* Boltraffio was associated with Leonardo. This was a very cunning remark on the part of Captain Douglas. Certainly if he could, as an expert, swear that "the Louvre painting was executed by Leonardo before Boltraffio was his pupil," the matter would be completely settled (if the jury believed him) as to the authenticity of the Louvre painting. Since we have the sworn opinion of Captain Douglas on this point, we are obliged now to review this excerpt from his latest book: "I would now place *La Belle Ferronniere*, which must be regarded as, for the most part, a work of his best Milanese assistant Giovanni Antonio Boltraffio."^{*} It appears Captain Douglas has forgotten that only a few years ago, as an expert of the Duveen clan, he deposed on oath, "The Louvre pic-

^{*}Leonardo da Vinci, His Life and His Pictures, R. Langton-Douglas, University of Chicago Press, 1944.

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ture could not possibly be by Boltraffio." Perhaps he is simply crossed-up once again by one of his "dominating influences." Obviously there is nothing scientific in the methods of Captain Douglas. His vacillating opinions on the authenticity of the Louvre painting are evidences either of gross incompetency as an art expert or of highly questionable professional integrity.

Mr. Berenson is equally loose and unscientific in his testimony. How much so my reader can judge from the following:

"You know," says Mr. Berenson, "that it is extremely difficult, exceedingly difficult, because, you see, it is very largely a question of accumulated experience upon which your spirit sets unconsciously. Then, you see, when I see a picture, in most cases I recognize it at once as being or not being by the master it is ascribed to; the rest is merely a question of how to try to fish out the evidence that will make the conviction as plain to others as it is to me."

Any student with even an elementary knowledge of psychology will immediately recognize Mr. Berenson's method to be one of pure rationalization, and not one of scientific fact. In rationalization, one reaches conclusions first and finds reasons afterwards; science observes facts first and arrives at conclusions only after a thorough examination and a comparison of the known facts.

"In the first place," continues Mr. Berenson, "You see, presuming the picture is ascribed to Leonardo, you have to know the pictures, no matter how few or how many, and all the other works of art that practically nobody questions as being by that master. You then get a sense, if you have had a sufficiently long training—this is not for beginners. It takes a very long training before you get a sort of sixth sense that comes from accumulated experience. When you get that, you get a sense, as it were, of the quality of the master, you get a sense what the master is up to, what he is likely to do, able to do, and what he is not likely to be able to do. Then you control this by trying to find out what characteristics are recurrent in him and that do not occur in that

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one picture exclusively. For instance, a certain kind of an ear, a certain type of hand, a certain lay of hair, a certain kind of eye, of chin and so on; even certain folds of draperies. When all these things go together in picture after picture, we conclude and are allowed to conclude by all people who allow for evidence, that that is the right kind of evidence; and if it occurs in the picture, provided that the picture has all the qualities of a master, and provided that it is not just a painful copy, which of course begs the whole question, then you say that it is a picture by the said master."

Mr. Berenson has told us nothing in this resume of his method, but that he is still an orthodox pupil of Morelli. He quite conveniently overlooks the fact that the fundamental weakness of the Morelli method is that morphological details can be reproduced with astounding accuracy by any first rate copyist. If Mr. Berenson needs personal proof of the inherent weakness of his own method, he need only review his own pronouncement on Donna Laura Minghetti's *Portrait of a Maiden*, a modern fake, which, it will be remembered, he pronounced to be a Leonardo, "without an equal."* What Mr. Berenson really offers in the masquerade of a scientific method is a novel cyclic theory. The authenticity of a painting is apparently to be determined first by sheer emotionalism, then by subjective analysis culminating in synthesis. As the result of this procedure, a mediocrity or a fraud can easily be metamorphosed into a masterpiece.

The deeper we go into the examination of the Berenson depictions, the more and more it will be evident that his replies were air-spun fabrications of the moment, and not the carefully studied opinions of a scientific expert. Asked how he was able to fix the age of the Louvre painting, he said: "I am able to fix the date by the quality of the design because you see the design changes." If my reader will turn to Plates I and II and compare the photographs of both portraits he will have first hand information as to the qualities of "design" to which Mr. Berenson

*See footnote Pages 81-82.

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alludes. Factually, the basic design is identical in both paintings, except for a fault in execution heretofore remarked in the right hand corner of the yoke line of the bodice in the Louvre version.

Question to Mr. Berenson: "Does the Hahn painting show any trace in your opinion of Leonardo's authorship?"

Answer: "Not as a painting. Of course, as a design. You have to distinguish, Leonardo's design is there."

Mr. Berenson lauds the "compactness" of the Louvre picture: "It takes up the least possible space," he observes. "It even avoids showing the hands." Just what he means by compactness does not appear, but a comparison of both pictures will show that each is identical with the other with respect to body position, proportions and dimensions.

"I have been studying the Louvre painting for forty years," asserted Mr. Berenson. He said, further, that he had spent fifteen years making up his mind and that his opinion has changed from time to time. Is it possible that the characteristics so definitely Leonardesque upon which he based his opinion of this painting at the Hahn-Duveen trial—"the design, the modelling, the compactness, the costume, the method of dressing the hair, the absence of the hands"—also changed in rhythmic cadence with his various opinions about the picture?

As a finale to the critique of Mr. Berenson's deposition, let us ask him of what school he considers the Hahn picture representative. He gives us this reply, "It reminds me of the late pictures of the eighteenth century and early pictures of the nineteenth century in France." Certainly this conclusion of Mr. Berenson's, as to the probable origin of the Hahn painting, if it is sincere, must be founded on the typical characteristics of those periods, characteristics observable in the picture, not only to Mr. Berenson, but to every other expert.

We still have one more world famous expert of the Duveen clan to hear from. I refer to Sir Herbert Cook, Bart., owner of Doughty House, London. That Sir Herbert is an expert of the

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first rank on the works of da Vinci is evidenced by the testimony of other important members of the Duveen clan.

Mr. Berenson is questioned, "Have you ever heard of Sir Herbert Cook?"

Answer: "Yes. He is a friend of mine."

Question: "Is he a great expert on the works of Leonardo da Vinci?"

Answer: "Yes."

Sir Charles Holmes also considers him "a competent expert and authority on the works of Leonardo," as does Mr. Maurice Brockwell who testified in this manner: "His fervent study of the works of Leonardo da Vinci, I might say, before I ever knew Sir Herbert Cook, was such as leads me to esteem him an authority on the works of Leonardo da Vinci. Doughty House which is owned by Sir Herbert Cook is one of the most carefully selected galleries in the United Kingdom."

Question to Sir Herbert Cook: "What school do you say the Hahn painting is of?"

Answer: "The school of Leonardo himself."

A French newspaper remarked: "The experts came to examine the Hahn painting, but it turns out the painting is examining the experts."

Dating Pigments

Chapter 10

During the past twenty-five years,* considerable progress has been made in the utilization of the traveling microscope and of microchemistry, in the examination and definition of pigments found on ancient paintings. A traveling microscope is a standard adjustable model fitted with a single or binocular eyepiece, mounted on a movable arm which permits a thorough scanning of the entire surface of a painting. By its aid we can, in a certain measure, estimate the age or period of a painting: The aspect of the pigmentary composition of a painting, revealed by a thorough microscopic examination and microchemistry, will give definite clues upon which to base judgments. Of course, any estimation of the age or period of a painting based on microscopic findings must be contingent upon the positive identification of one or more pigments classified as dating pigments.

Dating pigments are those definitely known to have been introduced to the art world at specific times, and are generally artificial pigments which were used as a substitute for rare and expensive natural products. For example, Prussian blue is a distinctive dating pigment. When Prussian blue is found in the basic pigmentary composition of a painting it could not have been painted, under any circumstances, earlier than the eighteenth century. Prussian blue was discovered by Diesbach, probably in 1704.

*The researches of Professor Raehlmann, which were carried out at the beginning of the century, include microscopic investigation of a number of pigments. The first experiments in the scientific examination of pigments actually did not even begin in this century. As far back as 1815, there is

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Sometimes we observe colors made from natural pigmentary sources which can also be classified as dating colors.* If, for instance, we are able to determine that a carmine dye on a picture of distinctly Italian origin was obtained from the cochineal,** we could say with certainty that the work was not earlier than 1523, since that was the date that Cortez returned from his conquests in Mexico and brought back with him the cochineal, previously unknown in Europe. Certain pigments such as white lead, red ochre, yellow ochre, and so on,*** which are observed throughout the

record that Sir Humphrey Davy was presenting his reports on pigments to the Royal Society in London. Of late years, Dr. A. Martin de Wild, the eminent Dutch scientist, has done extensive and important research work in the matter of microscopic examination and the microchemistry of pigments on a great number of paintings, especially those of the Dutch and Flemish schools.

The Institute Bandli at Davos, Switzerland, has also done considerable work in the chemical and micrographical examination of paintings. It has been reported that this laboratory has succeeded in producing a twelve hundred fold enlargement of the fungi which grow out of the color strata of a painting. The influences of light, air, humidity and other natural factors cause a state of chemical disintegration in the pigments, and a painting eventually is attacked in places by algae and fungi which develop out of the organic matter of the pigment. Different kinds of fungi vegetate in the cracks and fissures of a panel, and others develop out of the dead and decaying matter of desiccated algae. A scientist can determine the age of the algae and fungi, and from them draw rather accurate conclusions as to the probable age of the painting, since it is obvious that a painting must be at least as old as the fungi which grew out of its color strata.

*Scheele's green, discovered by the Swedish chemist Carl Scheele in 1778.

Cobalt blue, (Thenard's blue) was discovered by Thenard, 1802.

Cadmium yellow, discovered by Stromeyer in 1817.

Artificial ultramarine, discovered by Guimet in 1824.

A new epoch in the history of pigments began in 1856 when William Perkins in London announced the first synthetic dyestuff, mauve.

**Cochineal lake or carmine is a natural organic dyestuff made from the dried bodies of the female insect, *coccus cactic*, which lives on the various plants of Mexico and in Central and South America. Cochineal is often confused with Kermes lake, which is a most ancient dyestuff derived from the dried bodies of the female insect, *coccus ilicis*, generally found on the Kermes oak, which is indigenous to many parts of Central Europe. It is very similar to cochineal in origin, chemical composition and color. The ancients mistook the dried clusters of the dead insects for berries, hence the name "Kermes berries."

***Most common of these pigments were the earth colors, the hues of many being changed by a process of roasting or firing, as white lead being turned into red lead by roasting, or raw sienna changed into burnt sienna by firing.

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whole history of painting, can not be considered as dating pigments. Many of the pigments mentioned by Pliny and Vitruvius are still to be found on the palettes of modern painters.

We now come to the pigments known as the precious pigments, such as genuine ultramarine which was made from lapis lazuli. This color was called the diamond of pigments by de Mayerne.* Genuine ultramarine is the rarest of all colors as well as the most expensive, and was used only by the most important masters of the fourteenth, fifteenth and sixteenth centuries. Genuine ultramarine was so rare it was frequently classed with gold, and its use was a sign of extreme luxury.** The pigment known today as ultramarine, and sold by color dealers, is a synthetic product. It is extremely doubtful if any ultramarine derived from the grinding down and refining of lapis lazuli could be found in any color manufacturer's stock today. Some years ago, a small quantity existed in the stock of an important color manufacturer in England and it was quoted at eight guineas, or forty-eight dollars for a single ounce.

The exact period of introduction of this precious pigment has not been established. There is no doubt that real lapis lazuli from Tartary was known as early as the thirteenth century, since it is mentioned in the work of Yousouf Geraschy, a Cairo jeweler. Lapis lazuli from the Badakhshan mines at the headwaters of the Oxus,*** was an important as well as extremely precious item in the trade of medieval Europe; it was carried to the port of Acre and thence shipped to Venice. The name ultramarine, must have been well known in Italy at the beginning of the fourteenth century, since it appears in the manuscript of Johannes de Modena, and in the recipe given by Michelino de Vesucio to

*Theodore Turquet de Mayerne collected a large number of technical data on painting in a manuscript, the beginning of which dates from 1620. This manuscript is in the British museum.

**The so-called Secret-Boeck (Secret-Book) is a Dutch work giving extensive recipes for the preparation of pigments and suspension media; notably it mentions ultramarine and calls it "of all pigments the most costly since it is seldom found."

***A Journey to the Headwaters of the Oxus, Capt. John Wood, London, 1872, pp. 169-172.

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Alcherious, both of which were copied in 1410. Ultramarine was always used by the great Italian masters when available. So much was it esteemed, that it was frequently made the particular stipulation of contract.

Next in value to ultramarine as a prized pigment was genuine vermilion, as prepared from cinnabar. This is quite a different product from the synthetic vermilion sold by color dealers to-day.

Whether an expert on pigments can, as the result of a microscopic examination, accept or reject a painting as from the hand of a certain master, depends on his particular knowledge of the pigments generally found in that master's work. Especially is this true if no dating pigments are found.

If Professor Arthur Pillans-Laurie, who was called as a defense expert by Sir Joseph Duveen, could have qualified as an expert on the pigments that he "had personally observed as a characteristic in the authentic paintings of da Vinci," his ultimate conclusions would have been of great material value. As it is, we can only accept his deposition as qualified. Professor Laurie testified that he had "never examined an authentic Leonardo under the microscope." He made an examination of the Hahn and Louvre paintings on September 15, 1923. His deposition was taken on September 20, 1923. He was asked this question, "Then as a matter of fact, your experience and knowledge, as a chemist, as a scientific man, on Leonardo da Vinci pictures from actual examination by scientific methods, dates from the fifteenth day of this month?" To which he laconically replied, "Certainly."

Although Professor Laurie could not, in the face of such an admission, qualify as an expert on the pigments which he knew by previous experience were found in the authentic works of Leonardo, he is unquestionably competent to testify as to what he saw under the microscope as a result of his scientific examination of both the Hahn and the Louvre paintings.

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"I think," deposed Professor Laurie, "I said in my evidence in chief that what I liked to fix the date of a picture by is what I call 'dating pigments'; the pigments introduced at a certain period. I did not find 'dating pigments' in either of those two pictures."

The fact that Professor Laurie could not identify a dating pigment in either painting is especially significant concerning the Hahn picture, for no less a personage in the galaxy of the Duveen clan than Bernhard Berenson placed the Hahn painting as late as the early part of the nineteenth century. Now, if the Hahn painting had been executed any time after the beginning of the eighteenth century, there is not the shadow of a doubt that Professor Laurie would have found plenty of dating pigments. This same condition also holds true about the pigments of the Louvre painting. Whether or not Professor Laurie could really determine any dating pigments in the Louvre picture for a matter of court record, depends on just how far he was willing to go in his microscopic examination of the painting. It must be remembered that Professor Laurie was not an expert appointed by the Court. He appeared in the Hahn-Duveen case as an expert witness named by the defense and that fact in itself is to be seriously considered in weighing his opinions. However, I am going to show, on the basis of Professor Laurie's own findings, that there were dating pigments in the Louvre painting, whether or not he wished officially to identify them as such.

Before we examine in more detail the Laurie testimony, it would be well to consider what hypothesis or conclusion as to authenticity could be logically established from the microscopic analysis of pigments. For instance, if, from such an analysis of the Hahn picture, we found positive evidence that it was executed with rare and costly pigments known to be employed only by the great masters, or, if we found after a similar examination of the Louvre painting that its pigmentary composition was in general of a common quality, we would have reasonable and factual grounds on which to conclude that the Hahn

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painting was in the detail of its pigmentary composition a superior painting.

Whether Leonardo and other great contemporary masters of the period used the finest pigments obtainable, or whether they resorted to using mediocre pigments, one of which had been notably characterized by Professor Laurie as "largely used for house painter's work," is a matter which can be determined from sources far more competent and reliable than the artistic wheezings of the Duveen clan.

About the color of the flesh in the Hahn painting, Professor Laurie remarked, "The most interesting thing in the Hahn picture is the flesh which is a very pure definite white that had not been let down in tone like the white in the Louvre painting." As to this lowered tone in the flesh of the Louvre picture, Laurie had this to say, "The indication is of a low-toned white, produced doubtless with other pigment or pigments ground so intimately and so fine that the microscopic power I was using did not resolve it." There was a hint in Professor Laurie's deposition that the white in the Louvre version was "low-toned because of particles of lampblack in the mixture."* He commented as to the effect of lampblack in this manner, "Then again lampblack is a very finely divided pigment and if dispersed through white lead for shadows it would be very difficult to detect."

Lowering of tone rarely occurs in a painting where oil has been sparingly used in conjunction with a fine varnish and emulsified egg. The contrasting pureness and brilliance of the color pigments of the Hahn painting indicates that a fine varnish was used in conjunction with some form of tempera in building up

*The hint by Professor Laurie of lampblack in the flesh tints of the Louvre picture is indicative of its period. Lampblack, which is not a true black at all but slightly bluish in color, was used in the flesh tints of seventeenth and eighteenth century paintings as a substitute for the exceedingly rare and costly genuine ultramarine pigment. Lampblack is simply an amorphous carbon which collects in brick chimneys from the condensed smoke of a luminous flame from burning mineral oil, tar, pitch or resinous matter. It was employed only by artists using a full oil technique, as it will not combine with any other medium of suspension due to the amount of unburned oil which it contains.

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the picture. If the Louvre painting is directly compared with paintings done in full oil, like those of Titian and the Dutch masters of the seventeenth and eighteenth centuries, its similarity in the matter of "lowered tone" is obvious.

We are indeed fortunate to have from the pen of Professor Laurie pertinent comment on lowering tone, which he wrote some years before he was called by Sir Joseph as a defense expert. In one of his best known publications,* Professor Laurie tells us: "It has not been sufficiently realized that the lowering of tone in oil pictures is largely due to an accumulation of dust on the porous surface of the oil and the attachment of this dust firmly to the oil surface. The fact is that the introduction of a varnish like copal varnish into the oil prevents this from happening. We have therefore another argument for a highly resinous vehicle. It is difficult to resist this conclusion when we consider the surface appearance of early oil pictures and their condition of preservation and the brilliant greens** that are untouched by time, that the medium used in them was a highly resinous one, though it further involved the use of resins and that probably the importance of this highly resinous medium not being fully realized it was gradually allowed to diminish more and more, and at last finally was only added by certain artists, or to certain pigments, the varnishing of a picture being taken to replace the use of resin in the oil."

This observable "lowered tone" of the Louvre picture, which is so significant of a full oil technique, is manifest throughout the entire pigmentary composition of the painting; not only in the flesh color did Professor Laurie see it, but also in the red of the dress and in the green of the sleeves, which he remarked "had gone brown." Quite by contrast, he found the red in the Hahn picture to be "a good pure vermillion," and the green on the

*The Materials of the Painter's Craft in Europe and Egypt, A. P. Laurie, M.A. Dec., T. N. Foulis, London & Edinburgh, 1910.

**Compare with what he has to say about the green in the Hahn painting.

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sleeves to be "a much brighter green than in the Louvre painting."

Although the Duveèn clan microscopist would not say that he could positively discern particles of lampblack in the flesh color of the Louvre picture, he makes the strong suggestion that lampblack "may have been used in the painting of the shadows." As to the flesh shadows in the Hahn version he says, "The most interesting thing in the face of the Hahn picture is that it contains particles of vermilion and ultramarine blue, perfectly distinguishable."

Here, once again, we are confronted with evidence of a striking nature that is definitely against the claim of authenticity for the Louvre portrait, and strikingly in favor of the genuineness of the Hahn painting. The grounding of the shadows and the color of the flesh tints in both paintings is a matter of great technical importance. That particles of genuine ultramarine blue as well as pure vermilion were found in the shadows of the Hahn picture, and were totally absent in the Louvre painting, is a scientific finding highly indicative of the origins of both pictures.

As a first consideration of this evidence we find that Leonardo tells us in his *Treatise on Painting*, "Shadows should be put in with ultramarine pigment." We have no less an authority than Mrs. Mary Merrifield who writes,* "Ultramarine was employed by Simone Cantarine with terra-verde in the flesh tints. Barrocchio and Padre Francesco Lana recommend that it should be mixed with all flesh tints."

We must also give careful consideration to the matter of the particles of pure vermilion which Professor Laurie identified in the flesh tints of the Hahn picture. The total absence of this precious pigment in the Louvre version is just as significant in considering its claim for authenticity.

Sir Arthur Church, one time Professor of Chemistry at the Royal Academy of Arts, London, contributes this weighty evidence of the presence of vermilion in the flesh tints of early

*Arts of Painting, Mrs. Mary Merrifield, John Murray, London, 1849.

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Italian paintings. He writes, "Vermilion prepared from native cinnabar is found perfectly preserved in the flesh tints in Italian tempera paintings of the thirteenth, fourteenth, and fifteenth centuries."* In fact, this learned pigment chemist points out two important pigments for especial mention in this interesting observation, "Now the pigments to which the earlier painters were restricted were not only few in number, but were mainly of mineral origin. At first glance one sees that the Italian artists of the thirteenth and fourteenth centuries worked almost exclusively in natural inorganic pigments, two of which stand out in startling prominence; namely, vermillion and ultramarine."**

Since the presence of both these pigments in the Hahn painting and their total absence in the Louvre picture is of such material and capital importance for the authenticity of either of these paintings, we shall consider the pigments, real ultramarine and vermillion, in some detail. We will first examine some of the interesting quotations on the subject of ultramarine as recorded in two important books written by Professor Laurie. "No pigment," he writes, "was more prized by the fifteenth and sixteenth century painters in Italy, and its preparation is described in great detail in more than one fifteenth century manuscript."*** In the same volume, in a listing of pigments, he describes this beautiful pigment thusly, "'Azzuro oltre marino' (ultramarine). We now come to the most famous of all blues, real ultramarine, prepared from lapis lazuli. Cenninno says, 'Ultramarine is a color more mobile, beautiful and perfect than any other color and its good qualities exceed everything we can say in its favor. The utmost pains used to be taken with its preparation from the stone and it was always very expensive. Certain monasteries were famous for preparing it and supplied it to the artists they employed, and many stories are told of their stingy ways with

*The Chemistry of Paints and Painting, Sir Arthur Church. Seeley, Service & Co., Ltd., London, 1915, p. 191.

**Ibid. p. 327.

***Some comments on the statements made by Pliny and Vitruvius about Wall and Panel Painting by A. P. Laurie.

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this color and how they suspected the artists of stealing it and so on.'” In another of his books, Professor Laurie writes, “There is one pigment, and that one of the most beautiful and valuable in the eyes of the medieval painters, viz: ultramarine.”*

Perhaps the most conclusive documentation extant concerning the rarity and the value of genuine ultramarine pigment is deposited in the National Archives in Paris. This historical documentation, which has never been published, affords the art student and pigment scientist some very interesting data on the extreme rarity of genuine ultramarine pigment in Europe during the seventeenth and eighteenth centuries. It provides conclusive proof that the presence of this precious color in the shadows of the face in the Hahn portrait denotes that the painting certainly was not executed in France by a copyist in the later half of the eighteenth century or the earlier part of the nineteenth century. Nor was the Hahn picture painted in any probability in the seventeenth century, as other experts of the Duveen clan suggested. We have here for consideration an instance of the striking evidence of indisputable historical documentation versus sixth sense subjective guessing, and my reader can again draw his own conclusions as to the probative value of these two kinds of evidences.

We will now consider an extract from a memoir written by Duplessis, First Painter to the King of France, dated July 29, 1786, in which he says, “It is not possible for the painters of today to obtain ultramarine. It is not necessary to say how much this color is precious because of its solidity. It can not even be obtained in Paris, in fact, nowhere in Europe.”** Even in times when it could be procured, painters used it most sparingly. It is said that even in the time of Louis XIV this color was as scarce in France as it is today, and that LeBrun complained to Mon-

*The Materials of the Painters Craft in Europe and Egypt.

**Archives Nationale, Maison du Roy, Paris.

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sieur de Colbert concerning its scarcity. The memoir finally concludes with a lengthy request by Duplessis that the King make a request for a small quantity of lapis lazuli from the Emperor of China, through the intermediary of the French Jesuit priests, who were at the court of the Chinese Emperor in the capacity of mathematicians.

Count Choiseul de Gouffier, French Ambassador at Constantinople, addressed to the Count de Vergennes, French Minister of Finance, a letter, dated September 10, 1786, in which he stated: "I have received the letter which you sent August tenth, with the adjoined note to the Count de Angivilliers and I will try to do what he wishes. I am well aware that ultramarine has been for many years extremely rare in France, and I have even tried to get just a few fragments of lapis lazuli here to make a present of it to the artists of Paris. Since the reception of your orders I have given several Jew merchants the commission to buy all they could find, and I will try in this speculation not to raise the price of this precious stone as it is very much sought after by the Turks. I am further writing today to the Armenians at Aleppo and engaging them to look also for lapis lazuli and see if there is a way to procure it, but it will be necessary for the Count de Angivilliers to notify me about the price he is willing to pay. I will inform you directly as to all I am doing to get the lapis, because I am under your orders."*

The following is an important extract from a letter written by the Count de Vergennes, French Minister of Finance, to the Count de Angivilliers, Director of the Batiments, on September 16, 1786: "The Count de Segur has informed me concerning the purchase of lapis lazuli, that it is very difficult to find in Russia and that the sale of lapis lazuli is even forbidden. This is because the Russian Court has need of the small quantity that

*Archives Nationale, Paris, Maison du Roy.

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comes from the Bucharas and which makes the price exorbitant and even superior to that of gold.”*

That these documents are all dated 1786 is significant. The letter of Duplessis, First Painter to the King, carries us back a great many more years, however, as he mentions that ultramarine was unobtainable in the time of Louis XIV, who reigned from 1643 to 1715. His reference to LeBrun, (1619-1690) is also most significant, because LeBrun was one of the most prominent painters of his period, and a great favorite at the court as well.

As early as 1636, there is a reference in the *Brussels Manuscript* to the fact that ultramarine was already artificial due to the difficulty of obtaining the genuine pigment. With certainty, it may be said that the saddest chapter in the whole of Italian, French and Dutch painting, from the fifteenth to the eighteenth centuries, is that of the blue pigments. Genuine ultramarine was so scarce, as well as costly,** that it was most sparingly used. Its nearest rival, azurite, lost the greater part of its color in the grinding process, and, not until the discovery of Prussian blue by Diesbach in the early part of the eighteenth century, was the difficulty of the blue pigment overcome.**

*Archives Nationale, Paris, Maison du Roy.

Authors note—To say, in 1786, that the price of a thing was “even superior to that of gold,” meant even more then than it does today. This was the eve of the French revolution when the treasury had been robbed and depleted, and the entire financial structure of the country was in a state of collapse.

Note: There is also the well known declaration of Walpole in his story of Ann Carlisle, “She was in such favor with King Charles he presented her and Van Dyck with as much ultramarine at one time as cost him over five hundred pounds sterling.” *Anecdotes on Painting*. London, p. 197.

**Sir Martin Conway, one of the stellar figures of the Duveen clan tells us in *Literary Remains of Albrecht Durer*, M. W. Conway, Cambridge University Press, 1889, pp. 66-69: “Durer used ultramarine, and in his letters to his patron, Jacob Heller, complained of its enormous cost.”

***Artificial ultramarine is today identical in chemical composition and structure with natural ultramarine. Its perfection as a color was not reached, however, until well into the nineteenth century. Laurie indicates that it was used by Turner. (*New Lights on Old Masters*).

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Let us return to the testimony of Professor Laurie.

Question: "Are you willing to swear that you were able to find, with either the high or low power lens, the chemical structure of the pigments in the Hahn picture?"

Answer: "I am perfectly willing to swear that from my personal experience as to the appearance of real ultramarine, prepared from lapis lazuli, and from the appearance of part of the vermilion mixed with white lead that those pigments are present."

Question: "Present where?"

Answer: "On the Hahn picture."

Question: "Did you find in the Louvre picture, evidences, chemical evidences, or physical evidences, of the presence of ultramarine blue derived from the mineral known as lapis lazuli?"

Answer: "No, I could not find it anywhere."

It takes a rather lively intuitive imagination for an expert to conclude in the face of such microscopic and documentary evidence that the Louvre painting was done by Leonardo and the Hahn picture by a simple copyist. Would the astute experts of the Duveen clan have us believe that a copyist could use the rarest and most expensive of all pigments in creating a picture, which is, according to their ringmaster, "a simple copy, hundreds of which have been made"? Just as inconceivable is it that anyone who professed competence would maintain that a second-rate painter could even obtain a pigment which was so rare and precious that it was not even available to Duplessis or LeBrun who were the King's court painters. This pigment was so valuable that it was "worth more than gold," so much searched after that the Russian Court had forbidden its sale—even though a request for a very small quantity was made to the Empress of Russia in the name of the King of France, the most powerful monarch in all Europe. It is hardly possible that the "duffer," who, according to Mr. Berenson, painted the Hahn picture, could have obtained plenty of the precious ultramarine to ground his

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flesh shadows, while the great Leonardo, who, according to the Duveen clan, painted the Louvre portrait, was left in the same predicament as the court painters of France during the seventeenth and eighteenth centuries. The "duffer" who made the Hahn painting certainly did not corner the supply.

The qualities of the red pigments, which were found in each painting, are also highly significant as to the probable authenticity of each picture. Professor Laurie considers that the red in the dress of the Louvre portrait "is a red earth glazed with lake," and that "the red in the dress of the Hahn painting is genuine vermilion glazed with lake." For enlightenment concerning the relative merits of the red earth pigment in the dress of the Louvre picture and the genuine vermilion which was identified in the Hahn version, let us turn once again to Professor Laurie's book, *The Materials of the Painter's Craft*. On page 214 he says, "Sinopia (Red Ochre). This pigment prepared by careful roasting of litharge has long been known. It is discussed by Pliny, and according to this authority was discovered about 320 B. C. There can be no doubt that this pigment has been much used in the past and still is very largely used for house painter's work. It is, however, rarely used by artists, and it has fallen completely into discredit. Two reasons for not using it are generally given. One is that it tends like all lead pigments to blacken in impure air. The other is that it is actually decomposed by daylight, returning to a dull brownish yellow litharge." So much for Professor Laurie's appreciation of the quality of the red pigment in the Louvre painting. Indeed, I do not believe that there is a single really fine painting in any museum or collection, public or private, in which a red lead pigment can be identified.

As to the qualities of genuine vermilion, we find on page 210 of the same volume by Professor Laurie this comment, "No people have been more famous than the Chinese for the preparation of vermilion, and they still have a deservedly high reputation for it. It seems to have been used by them from very early times as

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a royal color, and we find, according to Marco Polo, that the paper money of Kublai-Kahn was stamped with the royal signature in vermilion . . . It is most difficult to get the genuine article as most of that sent in here is merely European vermilion packed in Chinese cases. The real article is unmistakable."

Without exception, the red in all fine paintings, especially those of the fifteenth century, is pure vermilion glazed with lake. The statutes of the guilds of painters throughout Italy positively forbade the substitution of red earth for genuine vermilion, or a substitute blue pigment, such as azurite, for ultramarine; any artist so doing would be brought before the Council of the Guild and heavily fined. There is record to this effect, in the statutes of the Guild of Painters of Siena as early as 1355.* Here, in the matter of the genuine vermilion pigment is a special point in favor of the Hahn picture. To conclude that da Vinci would use a common red earth pigment, such as was identified in the Louvre painting in the execution of a portrait of the mistress of the powerful Duke of Milan, is inconceivable.

Let us now take up a consideration of the green pigment found in both paintings. This comparison is most interesting. "The green in the Louvre painting," says Professor Laurie, "has the appearance of having originally been verdigris and verdigris unless very specially prepared is not a reliable pigment. It has gone brown as verdigris very often does, but still retains the appearance of verdigris crystals, so I am of the opinion that the green has been painted with verdigris and that it has gone brown with time."

If Professor Laurie has made no error in identifying the green in the Louvre picture as simply verdigris, and one would not suppose an error as he specifically notes the "crystalline struc-

*Statuti dell'Arte de Pittori Sanesi, dell' anno 1355. "Ancho ordiniamo che nullo dell' arte de' dipentori ardisca o ver presuma di mettere ne lavorii che facesse altro oro o ariento o colori che avesse promesso, si come oro di meta per oro fino e stagno per ariento azzurro oltrammarino, biadetto overa indico per azzurro, terra rossa o minio per cinabro, e chi contrafacesse per la predette cose sia punito et condannato per ogni volti in X libr."

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ture" under the microscope, it is conclusive evidence that the green in the Louvre painting is not the kind of green used by Leonardo. Da Vinci clearly defines in his *Treatise on Painting*, the green he used, and condemns the use of verdigris for the very reason that it was, "when used alone, a fugitive color." Again, it is improbable that da Vinci, who was, above all else, looking for permanence of color in his paintings, would have used in an important portrait commission a color which he knew to be a fugitive color, and had condemned it as such.

We have here for the first time, in Professor Laurie's testimony, evidence that throws considerable light on the probative value of "expert" testimony. Are these wizards of the Duveen clan any more reliable in their judgments than ordinary folk? Do they even agree among themselves? My reader will recall that Professor Laurie stated he found no dating pigments in either the Hahn or Louvre paintings. However, in his book, *The Materials of the Painter's Craft*, he has this to say about this particular fugitive verdigris green which he identified in the Louvre portrait: "It is a marked characteristic of the Dutch painters of the close of the sixteenth, seventeenth, and eighteenth centuries, that their greens are fugitive and have faded to dull browns* and dingy greys in a very large number of cases." This learned Duveen pigment authority must also be aware that this fugitive verdigris green of the Dutch painters of the periods he mentions, is also a marked characteristic of the paintings made in France during the seventeenth and eighteenth centuries. About the middle of the sixteenth century, the brilliant copper green which is quite without crystalline structure disappeared, and the simple verdigris green that shows a crystalline structure and is fugitive begins to appear on oil paintings. The scaling of these two kinds of green, with respect to the appearance of one

*Dr. Osvald Siren comments on the Louvre Painting:** "The painting as a painting is tame, and rather flat in its dull red and brownish black tones."

**Leonardo da Vinci, by Osvald Siren. Yale University Press, New Haven, 1916. p. 149.

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and the disappearance of the other, has been previously confirmed by Professor Laurie. It appears, therefore, from factual evidence, that there is, after all, a very definite dating pigment in the Louvre painting.

In the paintings of Leonardo and his contemporaries and in illuminated manuscripts of the period, the greens are all very definitely bright copper greens. The microscopic examination of the green in the Louvre painting shows another kind of green, which has faded to that quite characteristic dull brown of the fugitive verdigris green. This was first employed some thirty years after the death of da Vinci. We have here a factual and scientific basis for conclusions concerning the earliest probable date of the execution of the Louvre picture. One thing is certain—the pigmentary characteristics of the green pigment in the Louvre painting show that it was executed *after* the death of Leonardo.

Let us now consider the bright green in the Hahn portrait. It is a different green in all its aspects from that found in the Louvre picture. It puzzled Professor Laurie. In this green, he was unable to find any crystalline structure whatever, and he characterized it as "a mixed green." He then explained it by saying, "When I say a mixed green, I mean you can see under the microscope different green tints, from yellowish up to dark, which suggests a green made by mixing green and yellow* or perhaps a certain amount of blue. I would say that the green in the Hahn picture is probably a mixed green, and is brighter than the verdigris green of the other picture which has faded."

*A mixed green free from crystalline structure is precisely the kind of a green that would be obtained by following the instructions of Leonardo as given in his Treatise on Painting.

He condemned the use of simple verdigris alone, and recommended that, after its distillation in hot wine or alcohol, it should be mixed with saffron. When after being used, suspended in varnish with a small quantity of carefully prepared oil, the resulting green would not only be transparent and beautiful, but permanent as well. This kind of green was admirably suited to glazing over other colors, and especially would it be beautiful if glazed over saffron yellow painted with a tempera or half tempera medium.

Laurie, in his *The Pigments and Mediums of the Old Masters* pp. 35-39 and 99-103, describes a bright transparent copper green, which he frequently

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The utter bewilderment of Professor Laurie over the green in the Hahn painting is further indicated in this extract from his testimony, "The green I am not sure about. I came to the conclusion that it was a mixed green, that is to say, a mixture of yellow and bluish green together. There are indications under the microscope of different particles of different color, but the nature of the mixed green I do not know." The color effect, according to Professor Laurie, obtained by the direct action of copper salts on pure balsams, is blue green, and the warmer hues of the bright copper green were made in fact by the admixture with an organic yellow pigment like saffron* or yellow lake. This is exactly the kind of a mixed green which Professor Laurie found in the Hahn picture, and, as well, is the recipe of Leonardo to the letter. One thing is definitely certain—the kind of green identified in the Louvre version is not this bright green free from crystalline structure. "In many paintings," Laurie concludes, "this transparent green color appears to be unaltered and much in its original condition—the result, partially, of the protective influence of the highly resinous varnish medium."

In the course of his microscopic examination of the Louvre painting, Professor Laurie identified a pigment known as mas-

found on illuminated manuscripts from the eighth to the fourteenth centuries. This bright transparent copper green, when examined microscopically, exhibits no discrete crystalline particles of verdigris or other copper salt; yet it tests positively for copper. Laurie suggests that this transparent copper green could have been applied with turpentine, or it could have been dried and ground to a powder to be mixed with varnish or white of egg, or even emulsified egg. He says there appears to be no early recipes for the preparation of this green. (Note: I suggest that Leonardo's Treatise gives the recipe for the preparation of this green, and that its appearance on paintings, apart from illuminated manuscripts, began with the Van Eycks and their followers, and was carried by them to northern Italy and Germany where its use was continued until about the middle of the sixteenth century).

*Jehan le Begue, and other writers of this period, all speak of adding saffron to green, particularly copper green, to make a richer and warmer tone. Arts of Painting, Mrs. Mary Merrifield, John Murray, London, 1849. p. 128.

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sicot.* This pigment is understood to be the unfused monoxide of lead obtained by the gentle roasting of white lead. It is in no sense a permanent color and, if mixed with white lead, returns to white lead itself. So it is rather exceptional to find massicot as a color pigment in a painting supposed to be the product of a fifteenth century Italian master.

The pigment massicot was a late fifteenth century substitute,** much used throughout the sixteenth and seventeenth centuries in Flanders and France as a replacement pigment for genuine Naples yellow. Giallolino, Naples yellow, is a far superior pigment in both color and permanence, and was readily available at a very low price to all the artists of northern Italy during the fifteenth century. Genuine Naples yellow is a kind of ochre, of natural origin, coming from the mountainous neighborhood of Naples. About the middle of the sixteenth century, the source of genuine Naples yellow seems to have been lost, though probably a thorough search in some volcanic district would lead to its rediscovery.

That massicot was introduced and used at a later period than da Vinci's is indicated in *The Brussels Manuscript* written by Le Brun in 1635. He mentions no yellows, but does write of ochres and massicot. The latter, he states, "serves for fine or bright yellows." It appears from *The Brussels Manuscript* that Pierre LeBrun was contemporary with Caracci, Rubens, Lawrens, Dubrey the Fleming, and Vouet. The scattered notices he has given about painting in oil must be considered as indications of

*Massicot and litharge are names which have long been used for the yellow monoxide of lead (PbO). Most writers have used them as synonyms, but, by the best authorities, they are separated in meaning to indicate lead monoxides that are derived from different sources and have slightly different properties. Massicot is the unfused monoxide of lead that is obtained by roasting white lead, while litharge or "flake litharge" is the fused and crystalline oxide which is formed from the direct oxidation of molten metallic lead. Laurie says "massicot was widely used by sixteenth and seventeenth century painters and is no longer prepared." *Simple Rules for Painting in Oils*, A. P. Laurie, Winsor & Newton, Ltd., Rathbone Place, London. p. 14.

**Massicot was an important pigment for northern European painters. Dr. de Wild lists thirty-nine Dutch and Flemish paintings of the fifteenth to seventeenth centuries on which he identified massicot. The Scientific

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the practice of the art in France, or rather in Paris, during the middle of the seventeenth century. The manner in which he speaks of contemporary artists shows that he was living in Paris when the manuscript was written. Larresse, in *Le Grande Livres des Peintres* writes, "Massicot was quite commonly used and well known in the eighteenth century."

On the other hand, as evidence that genuine Naples yellow* (giallolino) and not massicot was employed by fifteenth century and early sixteenth century masters, it is interesting to consider this quotation from Mrs. Merrifield, "It may be observed that neither Cenninni, Borghini, Leonardo da Vinci, Lomazzo, Baldinucci nor the *Paduan Manuscript* mention massicot, while they all speak of giallolino."**

No massicot was discovered in the Hahn painting as it was in the Louvre version. Professor Laurie found, in the Hahn picture, genuine Naples yellow (giallolino) where it had been used in the highlights of the embroidery of the dress.

While massicot may not be considered by Professor Laurie as a dating pigment, all the evidence seems to indicate that it was introduced after the middle sixteenth century, and was commonly used by the Dutch and French artists. Naples yellow was used in the fifteenth century, particularly by the artists in Italy. It is quite possible that Professor Laurie has had too little experience with Italian pictures to give a competent opinion on the use of massicot. Most of his research has been confined to illuminated manuscripts and the works of Dutch and English masters. This is no reflection upon the scholarship of Professor Laurie, since the application of the scientific methods of micro-

Examination of Pictures, A. M. de Wild, G. Bell & Sons, Ltd., London, 1929, pp. 49-50. Dr. de Wild makes no mention of ever having found massicot in any Italian painting.

*The pigment properly known as Naples yellow, employed by present day artists, and by those of the eighteenth and nineteenth centuries, is an artificially prepared pigment which also comes from Italy. It consists principally of lead antimonate. It is not the same pigment and must not be confused with the genuine Naples yellow (giallolino) of the time of da Vinci.

**Arts of Painting by Mrs. Mary Merrifield, John Murray, London, 1849.

DATING PIGMENTS

scopic examination and microchemistry to the identification of works of art is still in its nascent stage. As a matter of fact, after reviewing all the purely subjective hokum which came up in this case, it is really a relief to get down to scientific procedure which provides evidence solid enough for sensible conclusions. The microscopic examination of pigments, which Professor Laurie made adds far more facts essential to determining the authenticity of these two pictures than the combined barrage of a whole regiment of intuitive art experts.

The traveling microscope of Professor Laurie failed to identify a single pigment, a single chemical evidence in the Hahn painting, which would indicate it was not painted by da Vinci. Every pigmentary evidence in the picture was consistent with the precepts of Leonardo. On the other hand, his microscope did identify in the Louvre version not just one, but many details, which were evidence against its probable authenticity as a work of Leonardo, or even as a work of the fifteenth or sixteenth centuries.

No amount of artistic prattling will ever satisfactorily explain or excuse in the Louvre painting the presence of "the house painter's red pigment", the simple verdigris which Leonardo condemned because it was a fugitive color, the massicot which was used as a substitute for genuine Naples yellow. And, most important of all, nothing will excuse the total absence in the painting of the two most important, as well as rare and costly, pigments that were used by the great masters of the fifteenth century in Italy—genuine ultramarine and real vermilion.



The Hahn Painting

PORTRAIT OF A WOMAN, by Leonardo da Vinci, popularly known as La Belle Ferronniere, formerly in the Crown collection of France. The only historically documented Leonardo da Vinci painting in the United States.



No. 1600 Louvre Museum

A copy version of the Hahn painting, noted in the catalogue of the Crown collection (LeBrun 1688) as "a copy, B 16, PORTRAIT OF A WOMAN, in the manner of Leonardo da Vinci, without hands."

X-Ray Analysis

Chapter 11

During the past thirty years, the art world has heard much about the efficacy of the X ray in the detection of fraudulent paintings and objects d'art. Many writers, with a great deal more enthusiasm than competence to discuss its use, have created an impression in the public mind that the X ray is infallible in the business of authenticating paintings. Actually the value of the X ray in determining authorship is largely more of a literary triumph than a laboratory one. This is due, not so much to the limitations of the X ray itself, as to the fundamental lack of specialized information and data necessary for the comparative analysis of negatives. Also, as is the case all too often when dealing with professional art experts, there are, in the field of X-ray research on paintings, men high in the esteem of art dealers, whose findings will always be a matter of question because of a certain moral irresponsibility.

The scientific examination of a painting by means of the X ray alone entails expert interpretation of the negative. This calls for high professional competence and complete trustworthiness in the specialist undertaking it.

Briefly reviewing the scientific use of the X ray in the field of art, we find it being experimented with by von Roentgen as early as 1896, for the examination of color pigments. About this time Topler and König were also making shadowgraphs of paintings, and Faber in Weimar in 1914 reported in *Zeitschrift für Museumskunde* his researches into the X ray for the study of pictures. A few years later, we find Dr. Chéron of Paris, the

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eminent French radiologist, conducting his experiments along the same lines, also Professor Heilbron, who published a report of his work with the X ray in *Oude Kunst*.*

In the main, the X ray has revealed evidences of repaintings and over painting. At times it has been of incalculable assistance in the confirmation of rank forgeries, where it can undoubtedly be used to considerable advantage. Its use for determining authenticity is quite a different matter, however, from that of confirming forgery.

Using a camera microscope in conjunction with an X ray of low power, a scientist is often enabled to record in microphotography the artist's brush marks, not only on the surface of the painting, but on the underpaintings as well. The study and analysis of brush marks is akin, in a degree, to the study of handwriting; it gives to the investigator, in certain instances, definite clues as to variances in technique and even clues to certain eccentricities of the artist.

In the study of brush marks, there is always present the inclination to assume that a certain kind of brush track is a standard for a certain artist by which all other tracks must be gauged, and herein lies much danger. An artist may deliberately alter his technique or may experiment with entirely new methods. Especially is this true when considering the work of artists of the early eighteenth century down to the present day. When considering the technique of masters of the fifteenth and early sixteenth centuries in Italy, I think it rather a remote possibility that there was much appreciable change in their precepts and methods, when once their full technique was developed. Rapidly changing techniques came later on with full oil mediums, and as new materials and artificial pigments made their appearances. Artists of this time were constantly changing techniques to accommodate their methods to new discoveries in painting materials.

**Oude Kunst*, February, 1920. No. 5.

X-RAY ANALYSIS

While the X-ray camera may be likened unto a very powerful mechanical eye capable of piercing through things and seeing what is beneath surface appearances, the image registered on the photographic plate is sometimes very complex and difficult to translate. Even in the field of surgery and medicine, with our fairly complete understanding of human anatomy, we find that eminent radiologists hold, in many instances, widely divergent views in their interpretations of the various shadows appearing on the X-ray plate.* It is not too surprising then, that in the field of art, where there is so much purely speculative opinion concerning the characteristics of the great masters, and where the use of the X ray is still in a highly experimental stage, not many positive results have been obtained.

Some years ago, I talked with Dr. Cheron in Paris about his experiments and the results he obtained from the use of the X ray in the field of art. He stated positively that, although the application of the X ray to the solution of artistic problems was indeed a most fascinating study, his personal experiments and experience had led him to no definite conclusions concerning the authentication of paintings by that means.

The principal function of the X ray in regard to color pigments is to classify them on a photographic plate as to their respective atomic weights and densities. An X-ray plate of a painting does not give evidence as to color or chemical composition beyond determining mineral or vegetable origin. For

*By altering (1) the kilovoltage, (2) current, (3) exposure, (4) working distance, (5) focal distance, and (6) development etc., it is possible to obtain widely different results with the same subject, which leads to utter confusion when deductions are made from the film.

(1) Kilovoltage: If very fine detail is desired, a very low penetrating power is necessary—from 10 to 15 kv is usually sufficient, and this voltage should be controlled in steps of 0.5 kv each. This kind of vernier control naturally calls for a control panel equipped with carefully calibrated dials. Work being done at these low tensions demands extreme care and vigilance, and is not the business of an amateur.

(2) Current: As regards the current, it is necessary to know precisely what current will pass when the X-ray tube is switched on for exposure; therefore, a pre-setting arrangement that automatically controls the flow of electric charge when the exposure begins is essential; especially is this

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instance, a pigment which has a metallic base possesses a far greater atomic weight and density than pigment of vegetable origin. Consequently, the X ray has much greater difficulty in penetrating the heavier of the two. This difference in density is shown on the X-ray plate in degrees of shadow from light to dark, the lighter or clearer portions of the negative denoting the pigments of the greatest density.

It is well known from treatises, manuscripts and historical documents, and from research work with the traveling microscope, and in microchemistry, that the Italian masters of the fourteenth, fifteenth and early sixteenth centuries worked almost exclusively with natural color pigments of mineral origin, and that the artists of the late seventeenth, eighteenth and nineteenth centuries resorted to an increasing use of the color pigments having a vegetable or aniline base.

I have already outlined how the early Italian artists, especially those of the fourteenth and fifteenth centuries, painted almost exclusively on thick wooden panels covered with an inert* surface preparation of gesso sizing made from parchment and glue, or else one made of carbonate of lime, or in certain instances, a mixture of all three ingredients. Later on, with the advent of the seventeenth century, especially in France, Belgium and Holland, we find ushered in the use of woven canvas as a base.

so, as variations of current exist after certain periods of time.

(3) Exposure: Exposures are usually from 25 to 40 seconds depending upon the results desired. A first class oil timer is the best method of controlling exposure time.

(4) Working Distance: Working distance is the distance between the surface of the painting and the film, and must be very accurately measured as it is the determining factor in obtaining fine detail, especially when detail of cracelure is desired.

(5) Focal Distance: Focal distance is the distance between the focal point of the X-ray tube and the surface of the painting. In case of an alteration of focal distance, calculation must be based upon the square law, i.e. that exposures vary with the square of the focal distance for a given kilovoltage and current.

*Inert is the name given to any inactive white pigment which has little or no hiding power or tinting strength when it is used in a paint vehicle. An inert pigment would be one having a refractive index below 1.70.

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Painting had theretofore been done by the artists of these northern countries on thin hardwood panels, which were quite a contrast to the heavy thick panels employed in Italy. Due to the hard and much less porous surface of the thin hardwood panels, they were generally prepared when thoroughly dry with a painting surface or size having a lead base. This base priming, be it thick or thin, on wood, canvas or any other kind of backing, is the determining factor in the kind of negative resulting when the painting is X-rayed.*

It could be argued that a modern painter might employ the techniques and materials of a fifteenth century Italian master, and that consequently X-ray negatives of his work would display all the characteristics of those made from genuinely ancient paintings. It is quite possible that a competent radiologist could be misled in such an instance, especially so if the X-ray shadowgraph was the only basis for the consideration of the painting. Here we have ample evidence that an X-ray examination alone is not sufficient for even determining the period of a painting. How much less, then, for a proper consideration of its authorship.

*A portrait executed in a full oil technique upon a thin hardwood panel sized or primed with a base preparation of white lead—thus being of extremely high atomic density and reproducing as a correspondingly white part on the X-ray negative because of its impermeability—would produce the kind of negative known in professional parlance as a “thin” plate. Only pigments which were of higher atomic density than white lead could register, and, since no color pigment is of such higher density, the only pigment delineation we could hope for would be the slight effect in the shadowgraph produced by the piling of one pigment layer upon another.

Should the priming of a portrait painting executed in a combination oil and tempera technique be an inert gesso sizing made of parchment and glue or even a carbonate of lime preparation, it would in so far as being the base or priming preparation is concerned, offer very little, if any, impediment to the X Rays.

Providing the picture had been executed by da Vinci or any of his contemporaries, the following technique in painting which gives very definite indications on an X-ray plate would have been followed: The ground work, or lights and shadows delineating the anatomical features of the subject would have been laid in on the white base as extremely thin coats of tempera, and their registration on the negative would be in the degree that the exceedingly small quantities of metallic color pigment suspended in the

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We are obliged, however, to recognize the fact that should an X-ray negative of a painting exhibit all the characteristic earmarks of seventeenth century workmanship, a competent X-ray specialist could hardly interpret the shadowgraph as characteristic of a painting of the fifteenth century.

There is no use contending that expert copyists have not imitated fifteenth century Italian masters with a Chinese accuracy in details of design and technique, because they have. The museums are full of such "masterpieces." But it would be ridiculous for an X-ray expert to attempt to reverse evidence, and read fifteenth century in a shadowgraph which shouts to high heaven that it was made from a work in every respect of its technique and pigmentary composition of the late seventeenth century. And yet, ridiculous or not, such an attempt was made in this case.

To give an expert interpretation of the X-ray negatives made from the Hahn and Louvre paintings, Sir Joseph Duveen called in Mr. Alan Burroughs. Mr. Burroughs is from the Technical Research Department of the Fogg Museum of Harvard Univer-

tempera impeded the X rays. The medium of suspension of the second and third preliminary coats would very likely have been varnish containing a small quantity of oil combined with a tempera of egg or emulsified egg scumbled or painted into the wet oil varnish. Over this groundwork, the master would then glaze thin layers of color unmixed with white until a transparent flesh effect was obtained. The underpainting thus shows through the glazings of flesh color as a reflected light coming from beneath, and not as an integral part of the flesh coloring as is the case with a full oil technique where an opaque paste is mixed up, applied and manipulated. My reader can readily see that the shadowgraph of a painting executed in this manner, would have delineations of a more or less pronounced character similar to the shadow outlines of the painting itself.

The garment of the subject would not necessarily be laid in as a glaze, but painted in directly in heavy pigment, as would be any other accessories of the dress, as, for instance, the forehead jewel and the necklace shown in the Hahn and Louvre paintings. All portions of the painting laid in directly with a heavy-bodied pigment, and not as a process of imposed thin and delicate coatings, would register to a considerable degree in the shadowgraph.

The technique of Leonardo and his contemporaries produces, when X-rayed, a shadowgraph which could not in any sense be termed "thin" plate. The "thin" plate shadowgraph is always produced by a painting having a lead primed base and in which opaque pastes are used.

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sity. He testified that he had already taken about a thousand X-ray plates of as many paintings, but gave no evidence as to his qualifications to interpret X-ray negatives made from authentic Leonardo da Vinci paintings.

My reader will eventually discover, as we proceed with a review of the sworn testimony of Mr. Burroughs, that certain of the expert opinions, which this "specialist" offered as statements of fact "from his own knowledge and observation," resolve themselves into misstatements savoring of brazen perjury. If the reliability of Mr. Burroughs, when matters of telling the truth are at issue, is no greater in his research work at the Fogg Museum laboratory than it was, in certain instances, in his testimony in the Hahn-Duveen case, there is good reason to doubt the ultimate scientific value of any of his research or findings.

The general aspect of the X-ray negatives of the Hahn and Louvre paintings* gave Mr. Burroughs the task of formulating a fifteenth century defense for obvious late seventeenth century characteristics appearing in the Louvre negative. Any competent radiologist on paintings would immediately recognize from the shadowgraph of the Hahn painting, that it was characteristic of a fifteenth century Italian painting, done in a combination tempera and oil-varnish technique.

The inert material of the Hahn picture priming was practically unregistered, while the laid-on accessory color pigments delineated to a nicety. The delicate glazings of the flesh and the under paintings were registered with a fine precision as to their atomic weights. Contrastingly, the shadowgraph of the Louvre painting was in every sense "an extremely vague and thin negative," because of the white lead priming on which the picture was painted. This heavy white lead priming practically obliterated

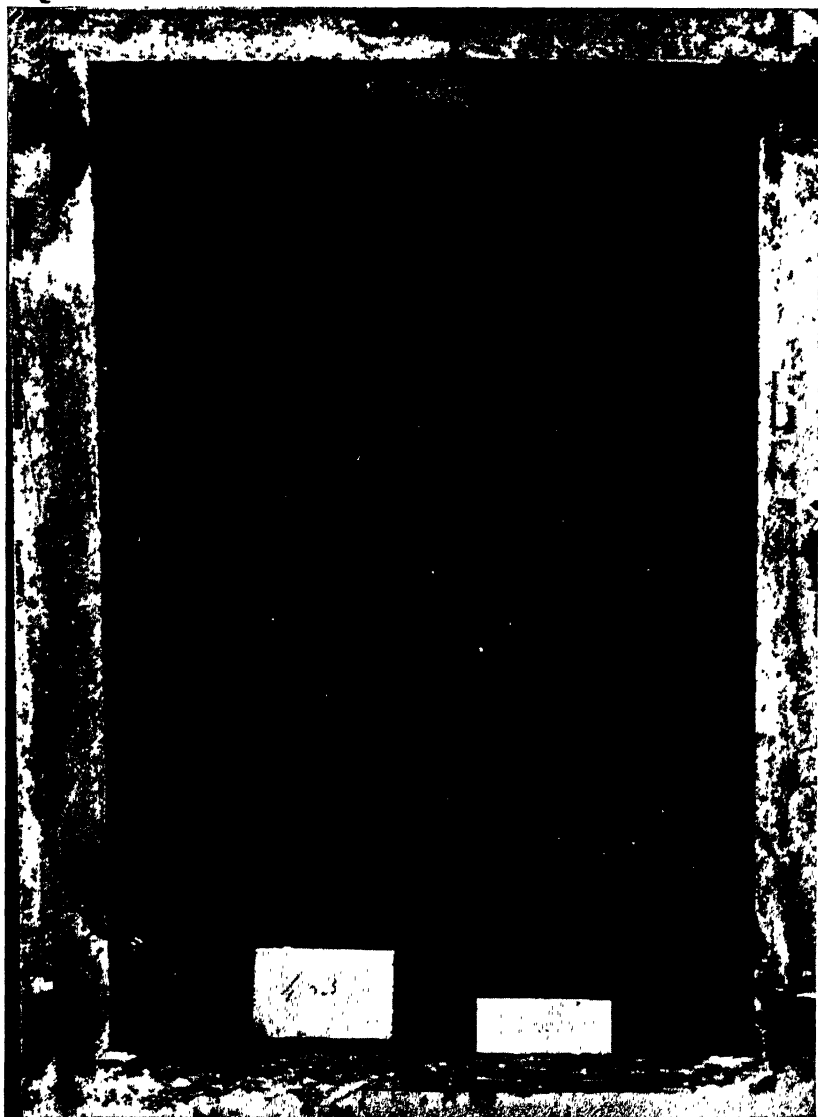
*On the striking difference in the aspect of the X-ray negatives of the Hahn and Louvre paintings The New York Times, March 1, 1929, commented as follows: "Side by side for the first time under the scientific eye of the X-ray camera, the shadowgraphs revealed a difference for which no one needed 'a connoisseur's eye.'"

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any registration of the color pigments with which the figure or accessories were painted.

Mr. Burroughs was well aware of the adverse indications of the Louvre picture's X-ray negative, so well aware that he made a shuffling attempt to explain away the thinness of that negative by invention. He said the effect in the Louvre negative was caused by a material condition on the back of the panel of the painting quite extraneous to the picture itself. In the clearest possible manner, the Fogg Museum expert testified that "the faintness of the X-ray plate of the Louvre painting was caused by paint on the back of the panel," which, he affirmed, he knew "from examination to have been applied to preserve the panel from weather and damage." (Stenographer's minutes, p. 2654). On cross-examination, Mr. Burroughs reiterated, "The paint on the back of the Louvre picture was modern and that would make a difference." (Stenographer's minutes, p. 2664).

As I will very presently show, Mr. Burroughs, of Harvard's famous Fogg Museum laboratory, took his oath very lightly, despite the fact that he must have known he was deposing in a sworn court of inquiry, and not simply rendering a small favor for the world's greatest art dealer. He did not, in this instance, express an opinion or draw an inference, but stated as a fact "from his own knowledge and examination," that there was paint on the back of the panel of the Louvre picture No. 1600. I presume Mr. Burroughs conjectured at the time he gave this testimony, that it would be perfectly safe to make a small excursion into the realms of perjury on behalf of Sir Joseph Duveen and his clan. He assumed apparently that the plaintiff would be absolutely helpless to introduce evidence to refute his statement. He was cocksure that he could damn the Hahn painting into scientific oblivion. It never occurred to him seemingly that the luster of his official position at the Fogg Museum laboratory might in the end turn out insufficient to impress a jury of twelve sensible businessmen either as to his professional com-



Back of the wooden panel of the Louvre painting No. 1600 showing the unpainted wood surface and inventory marks.

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petence or his honesty. It appears, from his testimony, that he took the attitude of a stupid court of laymen no matter how in

The art world knows the final outcome after many hours of deliberation, the jury was for Black, standing nine to three for the defense. This verdict rocked the world's greatest art dealer and his associates to their heels. And the thing they disliked most was the prospect of a second hearing of the case. As though what the plaintiff had in store, the Chicago artist suffered from "artistic cramps" that he quickly made his case out of court. However, this sudden capitulation of the Big Boss specialist.

The attorneys for Madame Hahn discussed Burroughs' statement about the paint on the back of the panel of the Louvre painting of Monsieur A. Braun of the Maisons-Laffitte in Paris, a special size photographic plate of the Louvre painting was obtained, and a photograph of the Louvre picture at the museum. (See Plate No. III, which reproduces the back of the painting as evidence of the falsity of Mr. Burroughs' statement.) *La Belle Ferronniere*, No. 1600, in the Louvre collection. *There is not now an iota of paint on the back of the picture, nor has there ever been, despite the statement of Burroughs so handily manufactured. The paint is plainly visible in the photograph, as are the marks of the brush, and the inscription, which is visible over a period of one hundred and fifty years. The notices, which are catalog numbers of the painting, have never been removed or painted over at a*

But this matter of paint on the back of the panel is not the only instance in the deposition of

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he makes a broad misstatement. It is a significant fact that the wooden panels on which fifteenth century Italian paintings are executed are quite thick and heavy.* Any other kind of a panel would indeed be a singular exception rather than the rule. We have Mr. Burroughs' sworn word for it that "the panel on which the Louvre picture is painted is an inch thick." He made this statement, too, not as an inference but as a fact from his own observation.

At the time the Louvre painting was photographed by Monsieur Braun, official note of the thickness of the Louvre picture panel was made also. This panel, which actually is a shade less than half an inch thick, has absolutely nothing in common with the panels known to have been used by Leonardo and his pupils. It is exactly like those used by French and Dutch masters two hundred years after the death of da Vinci.

Although the misstatements of fact made by Mr. Burroughs about the thickness and about the paint on the back of the Louvre panel make his entire testimony of very doubtful value, it is nevertheless interesting to inquire further into his deposition. "The flesh in both paintings," he says, "is metallic." First of all, in considering this statement by Mr. Burroughs, it must be understood that the entire Louvre painting is laid over a heavy metallic priming, a ground preparation which, as before indicated, practically blocks the shadowgraph registration of any color pigment spread thinly on top of it. Further, the Louvre painting is done in a full oil technique, and the flesh color pigment which is palette-mixed is of an atomic weight or density considerably less than the priming underneath. Only in those portions of the Louvre X-ray negative where the red color pigment of the dress (the house painter's pigment, according to

*The panel of the Mona Lisa in the Louvre Museum can be taken as indicative of the kind of panel which Leonardo used for his portraits. This painting, which measures 30.32x20.86 inches, is painted on three slabs of close-grained Italian walnut, and is slightly over one and one-half inches thick. In the early nineteenth century it was cradled with close-grained ebony and now weighs, unframed, eighteen pounds.

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Professor Laurie) registered is there a faintly noticeable mark on the shadowgraph. This effect is caused simply by piling one layer of heavy metallic pigment upon another layer also of high atomic density.

The accessories of the Louvre figure, namely the necklace, embroidery, and especially the jewel on the forehead of the lady, are indistinguishable on the X-ray negative because of the extremely high atomic density of the mixed flesh color pigment and the panel priming beneath them. We have here the effect of a technique that is wholly unlike the technique of Leonardo. The thin Louvre negative and the almost complete "wash-out" of details on its shadowgraph are the result of techniques of a much later time. Mr. Burroughs reasoned that his yarn about the "modern paint on the back of the Louvre panel" would scientifically take care of this thin effect of the Louvre X-ray negative. As it turned out, however, the Fogg Museum raconteur was the victim of his own invention.

Preliminary to attempting an interpretation of the X-ray negative of the Hahn painting, Mr. Burroughs should have given some time to a technical study of the painting itself. Had he done so, he would then have noticed that the Hahn picture was not painted in a full oil technique*, as was the Louvre painting, but was executed in the combination tempera and oil technique** so highly characteristic of the authentic paintings by Leonardo and his contemporaries.

The extreme difficulty of analyzing the statements of Mr. Burroughs about scientific evidences of the shadowgraphs of

*Giovanni Bellini and other Venetians in the last quarter of the fifteenth century actually prepared the way for the unfolding of the full oil technique in the hands of Titian, Giorgione, Palma and Correggio.

**The tempera and oil technique can best be understood by first describing the pure tempera technique of the fifteenth century in panel paintings. Pure tempera means the suspending of the color pigment in egg yolk diluted, generally, with about its own weight in water. This rendered the color pigment comparatively thin and, as a result, highly transparent, and permitted layer to be put on layer, so that as many as five, six, seven or even more layers of thin pigment tempered with egg yolk diluted in water were laid over a smooth, pure white ground. These layers were so trans-

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either of these paintings is due, in a measure, to his unreliability as an expert witness. One never can be sure when reviewing his testimony whether he is stating an honest opinion, based on his own true understanding, or whether he is simply making a cover-up for the shortcomings of the painting which Sir Joseph Duveen and his clan were currently intent on baptizing with the name of Leonardo. I am, therefore, obliged to take his testimony apart and weigh each incongruity separately.

At the outset, we will consider Mr. Burroughs' statement that the flesh in both paintings is a metallic pigment. That is a pretty general statement and means nothing at all. What he particularly refrained from stating is that flesh color pigment in the Hahn picture is an exceedingly light coating made up of a very small quantity of white lead and particles of genuine ultramarine and vermilion, and that these coatings were imposed in a "mixed" technique.

Over a prepared base of highly polished inert material known as the priming, or surface preparation, a design was generally drawn or transferred by stencil. In the Hahn painting, this prepared base is a composition of parchment, glue and traces of carbonate of lime, while in the Louvre painting, the priming is solidly metallic in composition, being in the main, white lead and oil. In the case of a portrait, the shadows which accentuated the anatomical construction and the highlights of modeling were then layed in with a color pigment composed of ultramarine and particles of vermilion, generally in tempera—certainly with the use of tempera. In certain cases for pictures of lesser importance, these shadows might be put in with terra-verde and ver-

parent that, in the end, the pure white ground would show through and render the high lights of the modeling. The essential difference between the pure tempera and the tempera and oil technique of Leonardo and his contemporaries consists in the fact that in the tempera and oil combination some of the color pigment is suspended in varnish, or in oil and varnish. The dissolved resinous varnish actually serves the purpose of "locking up" the pigments, and shielding them from moisture and deleterious gases. This is the reason for the brilliance and permanence of the color pigments in fifteenth century paintings executed in the combination of tempera and oil technique.

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million. When the modeled underpainting was completed, the artist glazed with very thin layers of pigment in such a manner and with such delicacy that the pure whites underneath would reflect through his color glazings. Subsequently, very thin glazings of carmine, vermilion and other color pigments necessary to complete definition of the high lights of the lips and cheeks were put over the flesh coloring. If there were to be jewels or dress ornament accessories, they were frequently painted on directly in a heavy pigment as a finishing process to the portrait.

The whole technique of these extremely delicate color glazings maintains a reflection from the pure white ground underneath. The color glazings thus take on a lighting from the inside. No such reflected light coming from underneath through the glazings is ever observable in the Louvre painting because it has been executed in the later manner of a full oil technique, in which the light is not the result of a reflection from underneath, but is the creation of a mixed color pigment integral to itself and opaque in nature. The full oil technique is definitely not the technique of Leonardo nor any of his pupils, and did not come into use until the time of Titian and Correggio.

Because of the exceedingly small quantity of white lead combined with the pure vermilion and ultramarine of the flesh tones on the Hahn painting, their atomic density was practically nonexistent. There was no impediment to the X rays as compared with the high atomic density of the metallic pigments used in the priming and the flesh coloring of the Louvre version. We have, therefore, the striking difference in the aspect of the X-ray negatives of the two paintings.

Mr. Burroughs, writing in the "Atlantic Monthly"* several years before he was called as an expert witness by Sir Joseph Duveen, stated: "For convenience the total density of the picture can be divided into three parts; the surface paint, the ground or preparation for painting and the backing—whether

*April, 1926, p. 520.

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wood, canvas, copper, paper or what. The degree of excellence in the shadowgraph depends on the value of these three levels of materials. If the density of the pigment is greater than the density of the other two general factors, the detail of the pigment is clear. If the ground is much heavier than both paint and backing, the ground shows well. The efficiency of the X ray is no greater for the whole picture than it is for the densest substance used in its making. Thus a heavy ground of white lead complicates accurate study of a picture's backing by this method . . . Under some unfavorable conditions, the presence of very dense matter in either the ground or the backing of the picture, for instance, it may be considered useless." I think my reader can observe in this excerpt from Mr. Burroughs' pen, the *raison d'être* for his statement about *modern paint being on the back of the Louvre picture*. So much depended on the interpretation of the shadowgraph of the Louvre negative and the formulation of a plausible defense for its manifest defects that the expert radiologist from the Fogg Museum laboratory found himself clutching at the phantom straws of misstatement.

The necklace and the jewel on the forehead of the subject of the Hahn picture, as well as the high lights of the embroidery on the dress, are executed with mixed color pigments of a high order of atomic density, which accounts for their perfect registration in the shadowgraph. The very faint registration of the flesh coatings in the Hahn painting, because of a low atomic density as compared with the heavier metallic pigments of the accessories glazed on top, would produce a delineation of detail of the first order on the Hahn painting shadowgraph. To offset this, the inventive Mr. Burroughs advanced the wholly novel idea that the flesh in the Hahn picture was simply painted up to the jewel and accessories, and not beneath them, which is just as factual as his statement about the coat of paint which he *knew* to be on the back of the panel of the Louvre painting.

It is common knowledge to any competent radiologist on paintings, that, when pigments of high atomic density are used to

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paint a jewel and necklace such as appear in the Hahn painting, laid over flesh glazings and an inert primed surface of exceedingly low atomic density, the resulting X-ray shadowgraph would show a striking delineation of details when compared with the original picture. This was exactly the case with the shadowgraph of the Hahn painting, which, indeed, was quite in contrast to the very thin and vague shadowgraph of the Louvre picture.

A few years ago, in one of his publications*, Mr. Burroughs made some further comments on the Louvre and Hahn paintings. It now appears that the Fogg Museum radiologist has developed a pronounced aesthetic sense of appreciation with which he supports his shadowgraph evaluations of these two paintings. Mr. Burroughs has departed from a strictly scientific viewpoint in his latest appraisals of these two pictures. He has adopted a subjective method of evaluation (which he once characterized as "simmering down to sublimated guesswork"**) . Let us compare his latest appreciations of the Hahn and Louvre paintings with the opinions of the really great specialists in that field.

Referring to the Hahn picture, Mr. Burroughs writes, "In the course of events connoisseurs smiled at the non-flattering attribution to Leonardo of a picture painted in a flat, hard manner." If, the "flat, hard manner" which Mr. Burroughs observes in the Hahn painting is really as non-flattering to Leonardo as he means to suggest, then the expert radiologist has been able to see something quite different in the Hahn picture than Mr. Bernhard Berenson. The latter testified in court, "The Hahn painting lacks the severity and hardness of the Louvre painting, which, if it has a fault, is too hard and too firm." Dr. Osvald Siren, who, along with Mr. Berenson, is considered one of the great experts on Italian paintings, has this observation to make on the Louvre version. "As a painting it is tame, and rather

*Art Criticism from a Laboratory, Alan Burroughs, Little, Brown & Co., Boston, 1938, p. 75.

**Art and the X Ray, Alan Burroughs, "Atlantic Monthly," April, 1926. p. 520.

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heavy and flat.”* It appears from these contradictions that Mr. Burroughs would do better to stick to his knitting as an X-ray shadowgraph expert, and leave the artistic evaluations to the artistic experts.

Of the Louvre picture, Mr. Burroughs says, “It is modeled like a piece of sculpture with emphasis on roundness of forms.” Again comparing Mr. Burroughs’ opinion of the modeling of the Louvre painting with that of Dr. Siren, we find the same sort of aberration as before indicated. Of the modeling of the Louvre version, Dr. Siren states, “It is quite without life.” Concerning the “emphasis on the roundness of forms” which the expert radiologist attributed to the Louvre painting, my reader has only to refer to Chapter VIII of this volume. There will be found sufficient opinions from various experts of the Duveen clan as to which of the two paintings really presents the “emphasis on the roundness of forms.”

For the further enlightenment of my reader, I am obliged to state that Mr. Burroughs was a “twelfth hour assist” to the defense clan of the world’s greatest art dealer. He suddenly appeared as an expert witness at the frantic beckon of Sir Joseph Duveen in the closing days of the trial. He was called because the plaintiff threw the defense into a panic by the surprise introduction into the court records of the X-ray negative of the Hahn painting, and because of expert testimony bearing upon a matter of “hands holding a small piece of mesh lace.” This is a most important issue which I will take up in the next chapter. I am personally of the opinion that the X-ray negative of the Louvre painting would never have been voluntarily offered in evidence by the Duveen defense, except for the fact that they were obliged to take this action because of the introduction of the X-ray negative of the Hahn picture. It was a fact, well known to the attorneys for the plaintiff, that the X-ray negative of the Louvre painting was in the files of the Fogg Museum, and, therefore, available to Sir Joseph Duveen. Unless a grave necessity existed,

*Leonardo da Vinci, Osvald Siren. New Haven, 1916, p. 149.

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however, it would never have become an issue in the trial, because the Duveen defense were well aware that the Fogg Museum radiologist was going to have a pretty tough assignment figuring out a defense for the manifest inconsistencies in the X-ray negative of the Louvre painting.

Mr. Burroughs did as he was expected to do, and made the best of it. It might be said, however, that he could have been, in deference to the Fogg Museum, a little more careful in his statements. But you know the words of Ben Jonson, "It is an art to have so much judgment as to apparel a lie well, to give it a good dressing." Maybe Mr. Burroughs was trying to show the world's greatest art dealer what a really bright boy he was. Maybe he was playing up the superiority of his cookery for some potentially lucrative future with the plush art trade. Who knows? Life is so desirous, and a little professor is—well, just a little professor, unless he can catch a ride here and there.

Certificate of “Genuineness”

Chapter 12

The "say-sos" of a specially selected coterie of art experts have been mainly responsible for the fantastically prosperous old master business. I think it can be said, without fear of contradiction, that Sir Joseph Duveen, the chief old master wizard, maintained the greatest picture authenticating business in the world. This business worked up and provided most of the gilt-edged attribution certificates which accompanied the old masters Sir Joseph handled.

So well established was the acceptance of "certificates of genuineness" emanating from Duveen's stable, that there apparently existed no appeal from its dictums until the case of Hahn vs Duveen. But there are rumblings now, and not too feeble ones either. Some groups in the art world have at last commenced to breathe and bestir themselves. They are demanding something more than a neatly worded attribution from a Mr. Berenson or his like as a guarantee of authenticity. They have seen some highly questionable old masters cluttering up our public museums, and are in a mood to ask questions. But the efficiently organized propaganda machine, which has foisted these dubiously attributed masterpieces on the market at fantastic figures, is not passively accepting the assaults made upon its exclusive plush racket.

Possibly the American public will in time learn of the de luxe art magazine, art book and academic pamphlet support, whose main purpose is to sing the praises of paintings sold or just about to be sold by the upper hierarchy of the art business.

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Maybe it will catch on to the idea that the plush old master business is in need of disinfection. Maybe it will some day set up a thorough inquiry into the historical antecedents of every so-called old master which has been palmed off on our museums and our culture-conscious millionaires. Eighty-five percent of these old masters are backed by no factual documentary historical evidence worthy of consideration. They float on windy expert opinions, on art magazine columns, art book treatises and subjective guesses of one sort and another made by little men who butter their bread by pretending to knowledge where there is no knowledge. The art game, as it reaches into fancy figures, is based not on documented information nor on historical veracity, but on the nicely calculated effects of a pair of striped pants and a set of affected continental mannerisms, on the insecure cultural pretenses of parvenues suddenly vaulted into high social position. Documents, facts, history, or rather the lack of these, are neatly avoided, and "old masters" born only yesterday in some venal picture restorer's attic get the bushel basket money tag. In the sucker market, reaching as it does from the latest night club impresarios and Hollywood genuises to Philadelphia bankers and western land promoters, documented facts have been made to appear crude and lacking in gentility. Art, and especially high priced art, has been carefully kept from any disjunct contact with reality.

In the case of the Hahn and Louvre paintings, however, there exists real documentary evidence of an historical character which is positive and quite remarkable. Remarkable, if for no other reason, because it has so long escaped notice.

Having nothing to hide ourselves, let us look into it. To begin with, there has been for the past one hundred and fifty years, a great deal of mystery and intrigue connected with these two paintings. Both are now commonly known under the title of *La Belle Ferronniere*. This has been so since the beginning of the nineteenth century. Historical documentation recently brought to light shows, however, that the two *La Belle Ferronnieres*: of

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today are not *La Belle Ferronniere* at all. Their titles are actually usurped from a third painting of entirely different composition. This third painting represents the real *La Belle Ferronniere*. Unbelievable as it may seem, this error in titles has escaped the detection of all those critics and erudites who have edited the dozen or more official catalogues of the paintings in the Louvre Museum. For over a century and a half, this error has persisted in official studies. It was only a few years ago that Count Paul Durrieu, onetime Honorary Curator of the Louvre Museum, discovered the facts about these titles and signalled the matter in a special communication to the *Academie des Belles Lettres*.

Before going any further into the history of these pictures, it is somewhat in order to fit the identity of the personage represented in the third portrait also accredited to Leonardo and which, as will be seen, is actually *La Belle Ferronniere*.

The name *La Belle Ferronniere* is first mentioned in connection with a woman who was supposed to have been a great favorite of Francis I, and appears in the *Correspondance de Madame* (Duchesse d'Orleans), which bears the date of December 3, 1721. However, there is a reference in the inventory of Bailly in 1706, as a careful study of the documents of the Crown collection shows, of a portrait at even that early date known as *La Belle Ferronniere*. This was a portrait of a woman shown in profile. The Hahn and Louvre versions going by that name are three quarters front views.

I have spent long and wearisome days, days that eventually turned into months and then into years, working in the old Soubise Palace in Paris, which houses the National Archives of France, examining thousands of documents written in the crabbed style of the seventeenth and eighteenth centuries, in order to unravel the mystery of the lady known today as *La Belle Ferronniere*.

One of the earliest references to the paintings by Leonardo da Vinci in the Crown Collection of France is the book or inventory

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of the King's paintings by the Reverend Pere Dan, called the *Merveilles de Fontainebleau*, published in 1642. This inventory is so indefinite that it is practically worthless for tracing either the origins or the titles of any of Leonardo's paintings supposed to have been in the collection of Francis I. Outside of the portrait of *Mona Lisa*, which the Reverend Pere Dan specifically mentions as "a portrait of *Francesca dell Gioconda*," he enumerates only one other portrait by Leonardo in the King's collection, and that one he specifically indicates as "a portrait of the *Duchesse of Mantua*." Now it is known that Lucrezia Crivelli, the mistress of Lodovico il Moro, Duke of Milan, came to France with the Duke. She remained with him at the Castle of Loches until his death. This explains the title of the portrait of the beautiful Lucrezia, as "*The Duchesse of Mantua*."

Lucrezia Crivelli had a daughter named Djem who eventually became, as was her mother, a mistress of Francis I, and, consequently a great favorite at the French court in Fontainebleau. The fact that the King of France was enamored of Lucrezia Crivelli, as well as of her beautiful daughter Djem, is a matter of striking importance in identifying the portrait of the mother which had been executed by Leonardo at the court of Milan, and which eventually became the property of the King of France.

The fact that the Reverend Pere Dan mentions the *Duchesse of Mantua*, and that nowhere in his inventory of the King's paintings even the name of *La Belle Ferronniere*, is good evidence that there was no painting in the Crown collection at Fontainebleau by such a title when his inventory was made.

The third portrait which I have cited, represents also the likeness of a mistress of the King. It is the portrait of the wife of a certain Ferron, an avocat of Paris and minister at the Court. His wife eventually became known at the court of Francis I by the affectionate title of *La Belle Ferronniere*. Madame Ferron adopted the Milanese style of wearing a jeweled headband that was introduced to the court ladies by Lucrezia Crivelli and her daughter Djem. This jeweled headband was particularly ad-

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mired by the French King, and all ladies who courted his favor adopted it.

Francis I was so impressed by the uncanny resemblance of Djem to her mother, Lucrezia Crivelli, that he ordered his court painter Primaticcio to paint upon the portrait of her mother, long before executed by Leonardo,* the same jeweled bandeau which had set a style for the ladies of his court. The King had, thereby, a portrait of his young and beautiful mistress, Djem, in the portrait of her mother which had been executed at the court of Lodovico il Sforza, in Milan, by the immortal da Vinci, now many years dead. There will be more later on about this interesting fact which is both historically and technically important. For the moment, however, let us return to *La Belle Ferronniere*.

Because of the deep mystery surrounding this painting, it becomes necessary to establish once and for all its present identity, and the identities of the Hahn and Louvre versions as well. I am going to show how documentary evidence puts an end to the speculative guessing and fanciful imaginings which art experts, art historians and writers have been indulging in about these works.

The first more or less complete inventory of the Crown collection, especially as to the total number of paintings listed as "Pictures of the King," is to be found in the National Archives in Paris.** Compiled by the Sieur LeBrun in 1683, this inventory mentions under the heading, Picture No. 17, "A portrait in profile by Leonardo da Vinci, representing La Belle Ferronniere, half size, having a height of one pied six pouces by one pied one ponce in width, painted on wood and in its golden frame."

Again in 1691, the inventory of the Sieur Houasse, Guardian of the King's pictures, briefly mentions under caption No. 17,

*La Belle Ferronniere by Albert Xavier Blanquet. Bibliotheque Nationale, Paris, 1860.

**Classification, No. AN O', 1964 Maison du Roi National Archives, Paris, France.

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"A portrait in profile by Leonardo." On the margin there is a scribbled notation: "At Versailles the Sieur Piallet has given a receipt to the Sieur Houasse the 29th October, 1692." It is to be noticed that Houasse merely mentions "A portrait in profile by Leonardo," without giving any title, description or dimensions of the portrait.

Again in 1706, in the first inventory of Bailly, Guardian of the King's paintings, this mysterious "profile" painting by Leonardo is catalogued under the title of *La Belle Ferronniere*, and is noted as being at Versailles "in the Cabinet of the Surintendance," with this description (which is the first given in any inventory until this date): "A bust of a woman called 'La Belle Ferronniere', figure half-size, having eighteen pouces in height by thirteen and a half pouces in width, painted on wood and in its golden frame." Although the descriptive information is indeed meager in the Bailly inventory, we now know, at least, that the portrait of *La Belle Ferronniere* was "a bust of a woman, figure half size." Bailly notes again, in his inventory of 1709, this same profile portrait with substantially the same descriptive text as in his inventory of 1706.

The next official mention of the profile portrait of *La Belle Ferronniere* appears in the carefully made descriptive inventory of Bernard Lepicie, dated 1752, and again in that of Jeurat, 1760, who notes the painting at that date "in the apartments of the Marquis de Marigny at Versailles."

Because of the lack of detailed descriptive information in the inventories of the Crown paintings that were compiled previous to that of Bernard Lepicie in 1752, a great confusion as to the identity of paintings and their titles frequently existed. So great was the difficulty of properly classifying and identifying paintings, that the Academy of the Beaux-Arts, in order to put an end to this state of affairs, commissioned Lepicie, First Painter to the King, to make a complete and detailed inventory of the entire Crown collection. He was to cover not only titles and dimensions, as had been the previous custom, but detailed biog-

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raphies of the artists and complete descriptions of the paintings.

Engerand, the art historian, comments on the Lepicie inventory as follows:* "The documents of Lepicie rest as one of the most important on the collections of the Crown. This enterprise, under the control of the Academy and its perpetual secretary, was a considerable work. It gave the biography of each artist, the detailed description and history of each painting, and was in every way a well reasoned and developed catalogue. The first volume concerning the Florentine and Roman schools appeared in 1752, and the second volume concerning the Venetian and Lombard schools was published in 1754. Lepicie, who was in charge of making the inventories, died in 1755, and no one, not even Portail himself, desired to continue this tremendous undertaking, which rests today unfinished."

Thus we find that the inventory of Bernard Lepicie is the only documentative source existing in the National Archives of France pertaining to the Crown collection of paintings that permits us to identify with certainty the profile portrait by Leonardo listed in the early inventories as *La Belle Ferronniere*. Likewise, this Lepicie inventory will settle once and for all the identities of the Hahn and Louvre paintings.

Translating directly from the original Lepicie inventory, the description of the "profile" painting by Leonardo is as follows: "This woman has for a head dress a band or toque of red velvet edged with a sort of embroidery in gold thread and terminated at each side by a row of pearls. A black veil is attached to the head dress which falls on the shoulders. The dress is of a heavy blue color. The profile is of exceptional precision and leaves nothing to be desired in the matter of execution."

On the basis of accurate historical documentation, we can now see that neither the Hahn nor the Louvre painting No. 1600 is the picture that was referred to in ancient inventories as *La Belle Ferronniere*. This painting is actually in the Louvre museum

*Ferdinand Engerand, *Inventaire des Tableaux du Roy*, Bibliotheque Nationale, Paris, 1899.

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catalogued under No. 1605 and not No. 1600 as the present catalogue and others of the past one hundred years or more state. Much more interesting for the student of records in connection with this profile painting of *La Belle Ferronniere* is the appearance in the Crown collection of France of a replica or copy portrait of this painting which has considerable significance in the establishment of the identity of the Louvre painting No. 1600 as being a copy of the Hahn portrait.

Monsieur Henri Stein, honorary conservateur of the National Archives in Paris, and an expert on documents, prepared a detailed resume of the existing inventories of the Crown collection at the request of Madame Hahn. (See Appendix III.) A few excerpts from his report are given herewith which are exceedingly interesting. Monsieur Stein notes as follows: "This picture (the profile portrait, *La Belle Ferronniere*) which came from Fontainebleau had already been transferred to Versailles by 1692, and remained there during the whole of the eighteenth century. Trace of it was then lost until we find it mentioned in the catalogues of the Louvre Museum. The catalogue of Villot (1849) notes it as No. 302 with the same designation as the inventories of Bailly (1706) and Lepicie (1752) and with the same measurements." He then observes, "Although it is a well established fact that this painting was at Versailles in 1692, and remained there throughout the whole of the eighteenth century, we read in the *Correspondance de Madame* (1721) the following, 'there is to be seen at Fontainebleau, in the apartments of the Queen the portrait of *La Belle Ferronniere* that pleased Francis I so much that he had her painted in profile.'" Monsieur Stein concludes, "This is well a portrait in profile, but it is another portrait from the other one which was at Versailles. Is it a copy?"

Having definitely established that there was an original portrait in profile of *La Belle Ferronniere* by Leonardo, we now find that a replica or copy turns up in Fontainebleau when the original was hanging in the palace in Versailles. This is the sort of instance where the aesthetic guessers go hay-wire in their deduc-

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tions as to which is which. Personally, I prefer to leave crystal-gazing in its proper place, and, when confronted with a like situation, resort to the more factual source of documentary evidence. Since this copy picture existed at Fontainebleau, as indicated by Monsieur Stein, it is only natural to conclude that there should be an inventory record of the copy as well as the original, and such documentary record there most certainly is. Engerand also notes the existence of this copy in his publication, *Tableaux du Roy*, page 600, No. 421.

By means of documentary evidence alone we have now established the existence of two profile paintings of *La Belle Ferronniere*. One an original by Leonardo, the other a copy, artist unknown. If we now turn to the two pictures, which were in dispute in the Hahn-Duveen case, and which do not represent *La Belle Ferronniere* at all, but were simply known in the catalogues of LeBrun, Houasse, and Bernard Lepicie as the *Portrait of a Woman*, we will find a parallel case of two paintings existing in the Crown collection of this subject. One of the paintings is the original portrait executed by da Vinci which, by documentary evidence, will be proven beyond all cavil to be the Hahn picture. The other painting of the same subject, which is a copy presently hanging in the Louvre Museum as No. 1600, is the painting mentioned in this book as the Louvre picture. It is the one which Sir Joseph tried so hard to metamorphize into a genuine Leonardo. The documentary evidence in support of the genuineness of the Hahn picture and the copy status of the Louvre picture was not offered in evidence at the first hearing of the case. It was prepared as a part of the plaintiff's evidence for the second hearing of the case which never was at issue because of the abrupt settlement of the case by Duveen. It may be quite a shock to certain of the hierarchy of the Duveen clan to be now at this late date obliged to have the mumbo-jumbo of their aesthetic speculations about these two paintings weighed again, and in the full clear light of documentary evidence.

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In the Lepicie catalogue of 1752, under the heading "Leonardo da Vinci," we find this description of a painting called *A Portrait of a Woman*: "Height 23 pouces by 16 pouces in width, figure approximately half size. This woman is clothed in a red dress with sleeves of the same color to which are attached green cords. Her hair is dressed smooth and sleek, her neck is ornamented with a necklace, she holds a piece of small mesh lace, her forehead is belted by a black cord with a jewel in the center. This portrait is of the same mastership as the other works of da Vinci and there is great verity in the head, the expression is agreeable and spiritual, the figure has before her a stone support."

This very precise description of *A Portrait of a Woman* by Leonardo as contained in the Lepicie inventory fits exactly the characteristics of the subject in either the Hahn or Louvre paintings, with the exception that Lepicie describes a woman "holding a piece of small mesh lace." *In neither the Hahn nor Louvre versions is the subject holding anything; in fact, in neither of these two pictures are hands depicted.* How can we explain this discrepancy? As we proceed further, it will become quite evident that the present physical status of both paintings gives us the answer to this enigma.

The Louvre picture is presently on a thin wooden panel which is intact; it has never been cut; there is no trace of underpainting or retouching at the base. Factually, the panel and the painting itself are in the exact state that they were at the time of the portrait's execution. There are slight evidences of minor retouchings on the face and neck, but they are negligible.

The Hahn painting, on the other hand, shows conclusive evidence of having been transferred from a wooden panel to a canvas backing. This fact was never referred to by the experts of the Duveen clan as evidence that the Hahn painting was not an authentic Leonardo. In fact, the Duveen experts seemingly did not care to talk about the transfer of the Hahn painting from wood to canvas, because the back of the picture carries authentic historical evidence in the matter of an inscription which proves

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it to be the painting noted by Bernard Lepicie in 1752, in the Crown collection. The manner in which this inscription fully identifies the Hahn painting will be developed as we proceed with a further review of the documentary evidence. For the present, and for the information of my reader, it is sufficient to state that the back of the Hahn painting bears this notation, "Removed from wood and transferred to canvas by Hacquin in Paris 1777." (See Plate No. IV.)

I shall first show by documentation that the reason for the absence of "hands holding a piece of small mesh lace" in the Hahn painting is the transfer from wood to canvas which the painting underwent in 1777, and, secondly, present documentary evidence that there was a second painting of a *Portrait of a Woman, in the manner of Leonardo da Vinci, without hands,*" which was noted by LeBrun, Houasse and Bernard Lepicie in the Crown collection. This second painting, specifically noted as "in the manner of Leonardo da Vinci, without hands," is painting No. 1600 now in the Louvre Museum.

Concerning the restoration of paintings, and especially the transferring of paintings from wood to canvas or from stone or plaster to canvas, there are many valuable documents in the National Archives in Paris. The restorer's art, as it is practiced today, was practically unknown before the middle of the eighteenth century, and the first transfers to be made were considered at the time as feats of superhuman skill.

Restorers were looked upon as magicians, and the exceptional nature of their work no doubt gave them opportunities to charge exorbitant prices for their work.

Engerand gives us some interesting information in his preface* concerning the transfer and restoration of paintings in the eighteenth century. He states: "Until the middle of the eighteenth century, the restoration of pictures was confided to the painters, and the processes they used were invariable. They

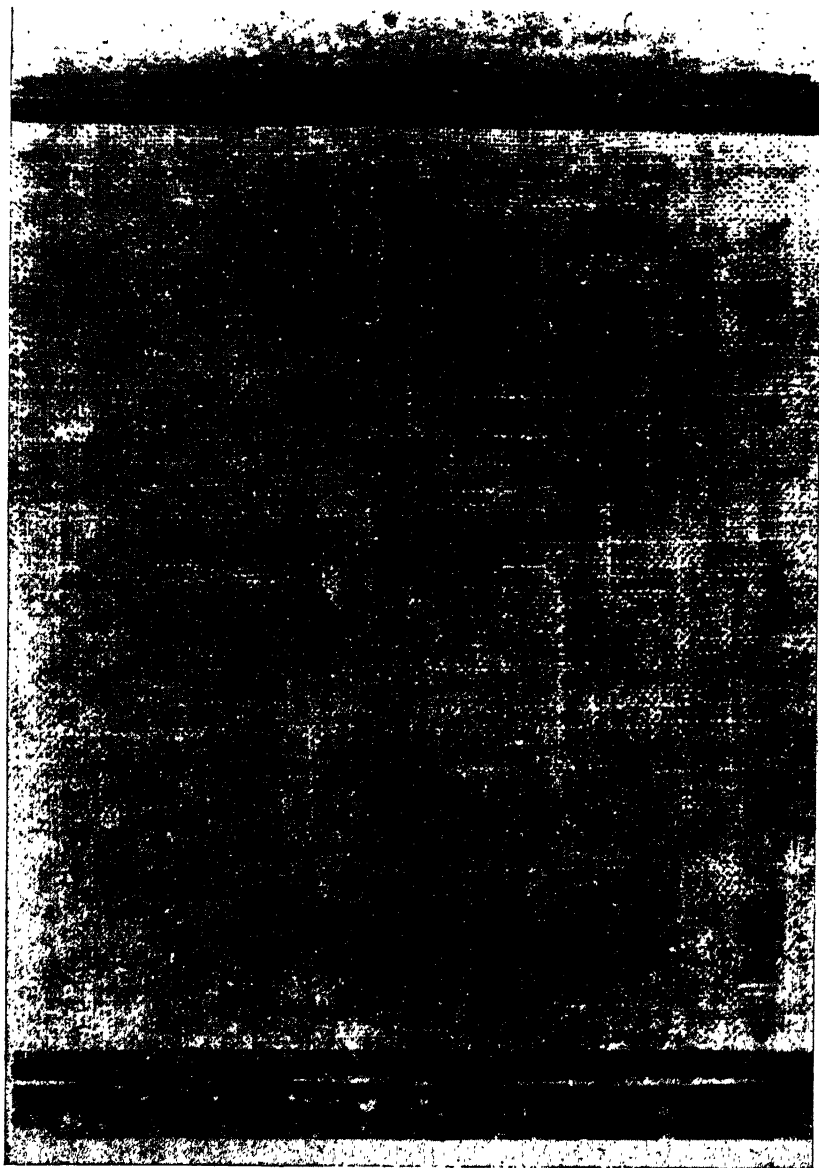
*Ferdinand Engerand, *Inventaire des Tableaux du Roy, Bibliotheque, Nationale*, Paris, 1899.

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simply retouched the compromised parts of a picture, and renewed in a way badly damaged parts. We have shown already the inconvenience of such a system and understand, that fatally, one day, this rudimentary system must be changed.

“Around 1750, a certain Picault announced with mysterious allures that he had found a miraculous way to restore pictures and give them their obscure charms. He even made the strong claims to affix on canvas pictures that had been painted on wood or stone. This announcement seemed extraordinary and many damaged pictures were confided to him, notably *The Holy Family* and the *Saint Michel* by Raphael.

“Success crowned his enterprises and there was great amazement. A short time afterwards, during the demolition of a staircase of the Ambassadeurs at Versailles he saved by his process the mural paintings of Van der Meulen. Everyone thought that this was magic and the popular imagination was augmented all the more with the mystery with which Picault surrounded his work. But this habile man also knew how to exploit the situation and he was paid royally, a picture restored by him cost more than a new picture. The Batiments at Versailles began to think that his charges were grossly exaggerated, so in 1751 Picault addressed them this memoir: ‘It is not here the point of a statue being under the chisel that can be abandoned and then taken up again. This work once commenced demands that it be finished without interruption. For example, the raising of the paint from the wood panel of *Saint Michel* was an operation that lasted eight months during which time I passed three months practically without sleep, and many nights was not permitted to abandon the work for a minute of slumber; many times being forced to use strategy that was almost torture to keep from falling to sleep. A painting by Leonardo da Vinci which was peculiar in that it was painted on a round panel made up of eleven pieces took twenty months to complete the work. These conditions merit regard as life and health are in consideration. The workmen are at all times in constant danger because of being forced



The back of the Hahn painting showing the inscription of HACQUIN, the King's restorer of paintings, denoting its transfer from wood to canvas, Paris 1777.

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to inhale the nitrous gases given off by the materials employed in the transfer.' Picault closed his memoir by demanding very humbly of the Director of the Batiments to consider the extreme difficulty of his work, and if they decided to reduce his charges he would be obliged to discontinue his work."

Engerand further notes the existence in the National Archives of a letter written in 1749. It was from the Curator of Paintings to the Director of the Batiments concerning the picture, *The Holy Family*, by Raphael. Engerand quotes this extract: *The Holy Family*, by Raphael is yet in its first beauty, but it cannot be conserved for a long time. It is well to fear that we will be obliged to transfer it to a canvas by the secret of Picault, *but that is the last thing to have recourse to and should only be done in extremity.* (Italicizing is my own). It would be well if you would give orders that the picture should not be moved or transported."

I respectfully call the attention of my reader to Plate No. V which represents a heretofore unpublished document which I discovered in the ancient files of the French National Archives. This is pertinent to the transfer of the painting *The Holy Family* by Raphael, and, as well, is extremely valuable in establishing the professional identity of the restorer Hacquin. It was he who transferred the Hahn painting from its wooden panel to canvas in 1777. This important document, signed by Pierre, Cochin and Halle of the French Academy of the Beaux-Arts, states as follows, "We esteem that although the Sire Picault has already removed from wood to linen divers paintings belonging to the King, it is more prudent to confide this one to the Sire Hacquin whose capacities and above all whose processes are known." There is eloquent documentary evidence in this communication from the Academy of the Beaux-Arts, that they preferred to confide the most precious pictures of the King to the Sire Hacquin for the delicate operation of transfer from wood to canvas. Further, we see the extreme importance attached at that time to the matter of transferring paintings, and, as well, we

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have evidence that Hacquin had already supplanted Picault as the restorer of the King's paintings.

There is additional documentary evidence dated September 20th, 1777,* that the Sire Hacquin was exclusively in the service of the King. This fact is indicated in a letter from Pierre, First Painter to the King and guardian of the King's pictures, addressed to the Count de Angivilliers, which states, "As you already know by the arrangements made that the Sire Hacquin is in the entire service of the King, and you will tell him on my behalf that he press the work he is doing on the pictures."

There is further official documentary evidence to establish the fact that the Sire Hacquin was entrusted with the most precious pictures in the Crown collection. This is shown by the following extract from a letter written by Pierre, addressed to the Director of the Batiments at Versailles, dated April 15th, 1777, which states, "Monsieur Brebion and myself esteem that in my old apartments at the Louvre which are now occupied by the Sire Hacquin, are contained the best choice of the King's pictures for a value over a million."**

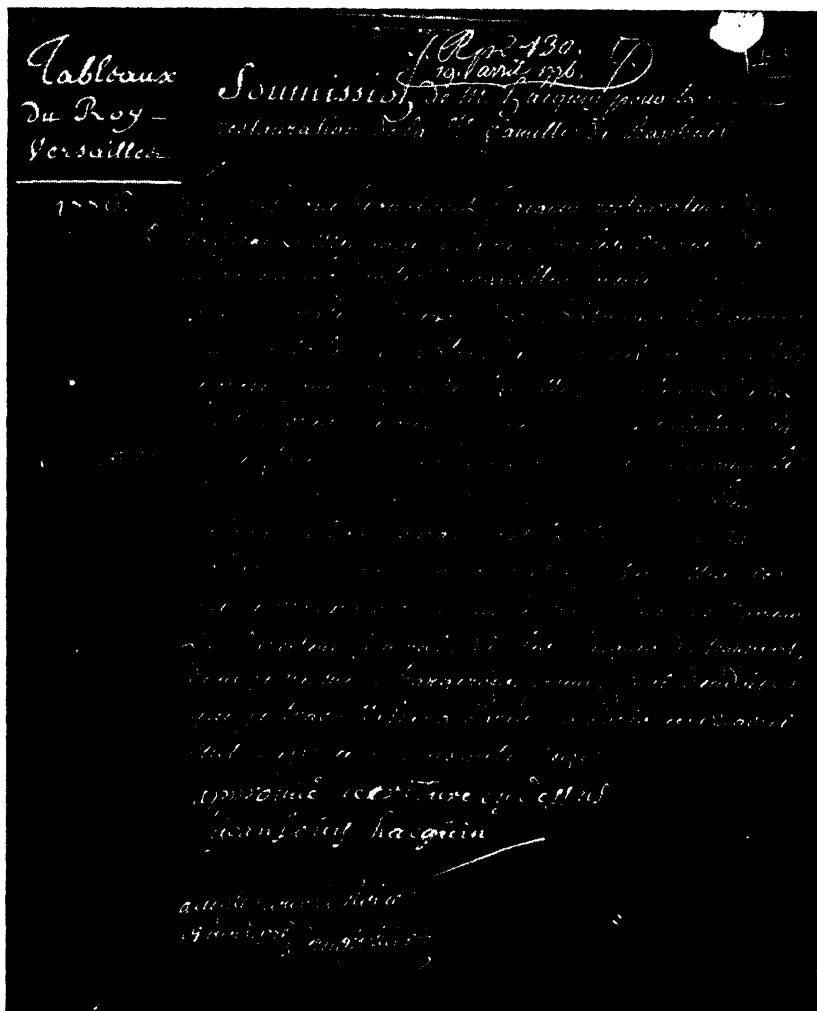
It is not too difficult to understand why the "crystal gazers" employed by the dealers in old masters very artfully dodge documentary evidence of this nature. If the scores of dubious paintings set up as authentic masterpieces by dealer-sponsored experts, were submitted to this kind of documentary investigation, there would be a lot of red faces and some pretty shocking revelations in the art world.

The Duveen clan was fully aware of the significance of the Hacquin inscription on the Hahn painting, but they avoided the matter. The only serious reference to it in the entire Duveen defense testimony is to be found in the deposition of Bernhard Berenson.

Question to Mr. Berenson: "Was it brought to your attention by Mr. Levy (Sir Joseph's counsel) yesterday that Mr. Le Grand

*Archives Nationale, Maison du Roi, Paris.

**Ibid.



Official document from the Nationale Archives, Paris, France, showing signature of Hacquin, the King's restorer of paintings.

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(a famous expert restorer in Paris) had examined the Hahn painting at Duveen's offices yesterday, and had expressed his opinion that it had been transferred from wood to canvas?"

Answer: "Yes."

Question: "Mr. Levy told you that?"

Answer: "Yes."

The fact that the Hahn painting had been transferred in 1777, from wood to canvas by the Sire Hacquin, the King's restorer of paintings, is in itself sufficient evidence that this painting was considered extremely precious by the guardian of the Crown pictures. It has already been shown by precise evidence, that at the time this transfer was made, the operation was resorted to only as an extremity and with none but the most precious paintings. The process then was, as Engerand tells us, "long, dangerous and exceedingly costly."

Certainly, in the year 1777, there existed a pressing reason for transferring the Hahn painting. We have already seen, by historical documentation, that this was an operation that was rarely resorted to because of the cost and difficulty. We have the word of the directors of the Academy of the Beaux-Arts that "it is the last thing to have recourse to and should only be done in extremity." The exact reason for the transfer of the Hahn picture will never be known, as it was obliterated for all time when the operation of the transfer and restoration was effected. It can only be conjectured whether the painting was damaged at the bottom through mishandling, or burned or scorched by being too near a fireplace or candles, or whether the wooden panel on which it was originally painted was rotting away because of wall dampness, or was being slowly destroyed by worms.

We now come to the consideration of the fact that Bernard Lepicie, First Painter to the King, noted in his inventory of the Crown paintings made in 1752, that the subject of *The Portrait of a Woman* by Leonardo da Vinci, "was holding a piece of small mesh lace." Now, the present dimensions of the Hahn painting when compared with the dimensions given by Lepicie are correct

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as regards width, but in the matter of length it is slightly more than four centimeters too short. It appears therefore, that the bottom of the painting, depicting the hands holding a piece of small mesh lace, was cut off during the process of transferring the painting from its original wooden panel to canvas. This is exactly the case. When the X-ray plate of the Hahn picture was made, I personally removed the canvas from its old wooden stretcher, to which the painting had been fastened, and I discovered on the inside surface of one of the vertical sections of the stretcher the marked calculations of Hacquin as to the amount the original picture was cut in height.

With the fact in mind that the Hahn painting was cut off at the bottom, it is indeed interesting to return once again to the observations of Mr. Berenson. He took particular pains in his testimony to dwell on the fact that there was something radically wrong with the bottom of the Hahn picture.

Question to Mr. Berenson: "Did you find anything or a difference in the base of the Hahn picture as compared to the base of the Louvre painting?"

Answer: "Yes, that is a very important point. In the Louvre picture you have a real parapet with a real cornice and real coping under the cornice. Here is the parapet (pointing to a large photograph of the Louvre painting); here is the cornice where it goes down. Now in the Hahn picture, I don't know what there is there. There is no architecture, just a band of something, a piece of wood; it has no modeling or structure, whereas the Louvre picture has a structure. The man who did that didn't understand the purpose of the parapet and therefore neglected it."

Question: "Has the slab of wood or whatever you might call it at the bottom of the Hahn picture any significance at all?"

Answer: "No."

In the matter of Mr. Berenson's criticism of the bottom of the Hahn picture, we have a similar instance in his criticism of the way the jewel was painted. Both of these "faults," which

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he observed, turn out as the best evidences of the authenticity of the Hahn painting and the lack of authenticity in the Louvre version. The sage of I Tatti seems to be particularly gifted in the art of opening up his mouth and shoving both feet into it. Here we have instances where a little technical knowledge would have served him. What Mr. Berenson observes as a defect in the bottom of the Hahn painting, when compared to "the real parapet," and "the real coping under the cornice" in the Louvre version, actually turns out to be one of the most significant observations he made about the Hahn picture.

The meaningless "band of something" which Mr. Berenson noted at the bottom of the Hahn picture has been scientifically examined and found to be a "binder" paint. This was put there at the time of the transfer, in order to keep the paint from turning up and flaking off, as the whole pigmentary structure at the bottom of the picture was weakened when the panel was cut off at the bottom. *It may be of further interest to the "experts" to know that the vermilion pigment of the red dress continues under this binder strip.*

My reader will recall that, in reviewing Mr. Berenson's testimony, I made special note of the fact that the major-domo of the Duveen clan had taken particular pains to remark "the absence of hands in the Louvre painting as typically Leonardesque."* With a considerable degree of boldness, Mr. Berenson enucleated his artistic appreciation of the Louvre version and its marked superiority over the Hahn painting. "It even avoids showing the hands," he "expertly" remarked, "so as to keep the arms as close to the body as possible." This is a splendid example of the kind of twaddle this world famous "expert" spins out when the occasion demands.

*Pertinent comment on the absence of hands in the Louvre painting which Mr. Berenson finds "so typically Leonardesque" has been most ably expressed by the well known Italian critic Malaguzzi-Valeri. "Not this would Leonardo devise," he says, "not this, archaically would he have conceived her, letting her arms fall so as not to show the hands out of which this supreme artist knew how to create marvels of expression held in restraint."

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Proceeding further into the historical documentation of *The Portrait of a Woman* by Leonardo, who holds a piece of small mesh lace, let us consult the records which establish the existence of a second similar portrait, described "*in the manner of Leonardo da Vinci, without hands.*"

I refer once again to the *proces verbal* of Monsieur Henri Stein, Conservateur Honoraire aux Archives Nationales, who writes: "We find in the Royal collection as was inventoried by LeBrun (1683) under No. 16. '*Portrait of a Woman, in the manner of Leonardo da Vinci, without hands, height one pied ten pouces by one pied four pouces in width, painted on wood and in its golden frame.*'" Monsieur Stein concludes, "There is evidently in the description given by Lepicie a precise information which cannot be anything but extremely troubling. Why is it that the *Portrait of a Woman, without hands*, in the inventory of LeBrun, now 'holds a piece of mesh lace' in the inventory of Lepicie?"

The question posed by Monsieur Stein is not very difficult to answer. LeBrun, in his inventory of 1683, took particular pains to note a "*Portrait of a woman in the manner of Leonardo da Vinci, without hands*"; while Bernard Lepicie noted the original portrait, in which the subject "*was holding a piece of small mesh lace,*" as being "*a Leonardo, of the same mastership as his other works.*"

The fact that this second version, "in the manner of Leonardo, without hands," was noted by LeBrun to be at the Palace in Fontainebleau in 1683, is peculiarly significant. It was at Fontainebleau, in the same inventory, that he also noted the second version of the profile portrait of *La Belle Ferroniere*. That these copies should turn up at Fontainebleau is natural. Documentary evidence shows us that copies of the other great masters of the fifteenth century, as well as those of Leonardo, were made by Fontainebleau artists from the originals which were then taken to the Palace at Versailles. Historical documentation is quite conclusive that the original paintings of all the great masters there were removed from the Palace at Fontainebleau by order of Louis XIV, and were taken to his new and

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sumptuous Palace at Versailles where he had then established residence. Louis XIV ordered that copies be substituted at Fontainebleau for the originals.

The art writers, critics and aesthetic guessers who have been having such a difficult time about the origins of painting No. 1600 in the Louvre Museum, need have gone no further than to consult the authoritative volume *Le Musee du Louvre*, by Armand Dayot, Inspecteur General des Beaux-Arts, who writes, "Picture No. 1600 in the Louvre Museum was purchased by Louis XIV."*

There is nothing exceptional in this substitution of copies at Fontainebleau for originals taken to Versailles. For instance, a copy of an important picture by Sebastiano del Piombo was substituted at Fontainebleau when the original was removed to the Palace at Versailles. The altar of the chapel at Fontainebleau was originally decorated by Sebastiano del Piombo (Luciani) with a painting called *The Visitation*. This painting remained at the Palace until the time of Henri IV, who had a second version made by Josse de Voltigem, which was substituted for the original painting. The original was later taken from Fontainebleau by Louis XIV and transferred to the Cabinet de Peintures at Versailles. We can trace, by documents, the original picture at Versailles in 1675, 1706, and 1715, while the substituted version was all the while at Fontainebleau. *The same is true in the case of the copy versions of the "Portrait of a Woman, in the manner of Leonardo da Vinci, without hands," and the case of the profile portrait of La Belle Ferronniere.*

So that art experts of the Duveen stripe, and those who run in their grooves, may learn something from documentary evidence, I will give other instances of copy substitution in the Crown collection of France during the period of Louis XIV. For instance, take the painting No. 1644, presently in the Louvre Museum. This picture bears the inscription, "School of Italy of the XVIth century, Portrait of a young man." This painting is

**Le Musee du Louvre*, Pierre Lafitte, Paris 1914, p. 243.

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a copy substituted for an original by Raphael which was formerly in the Crown collection. The original Raphael was purchased by Mazarin, and inventoried by Colbert de Villacerf in 1653. The *proces verbal* of this inventory is in the Bibliotheque Nationale. The portrait was numbered 220 with the following description, "The portrait of a young man having on his head a square bonnet and a pair of gloves in his hands, with a small coat of arms, in its golden frame. By Raphael. Painted on canvas."

A few years later, the King ordered a new inventory of the Crown paintings, and the same picture figures in the new inventory under No. 1052. The painter charged with making the inventory described the portrait in this manner, "A young man with a square bonnet on the head, and a pair of gloves. Height one pied six pouces, width one pied three pouces." So far so good! Nothing is changed in the description of the portrait; but the dimensions now appear. The picture is plainly the same picture as that in the inventory of 1653.

In 1690, after the death of LeBrun, a new catalogue was compiled, and we find the painting described in a new and decidedly strange manner. It has become "*A painting in the manner of Raphael*, representing the bust portrait of a young man with hands on a table, height one pied ten pouces by one pied four pouces in width. No. 158. This picture is painted on wood." This information was taken from the inventory made by Houasse on February 14, 1690. Herein we have the first indication of a substitution of a copy. The original Raphael of the Mazarin collection was painted on canvas.

More significant than the fact that the copy is on a wooden panel, instead of on canvas, is the fact that it is larger in its dimensions. We note other bizarre transformations reserved for this painting. In 1709, Nicholas Bailly made his inventory without change from the indications given by Paillet. However, in the collection of engravings in the Cabinet of the King, edited twenty years later, we find an excellent engraving of this picture,

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only now the engraving shows that the painting has lost "the gloves which were held in the hands," noted in the previous official inventories.

No matter what aesthetic explanation the art experts may give, we are now shown, in the Louvre Museum under No. 1644, a painting on wood that measures fifty-nine centimeters by forty-three centimeters, which depicts a young man without gloves. But we know that the original Raphael painting, as offered by Mazarin to the King, was painted on canvas of lesser dimensions, and the personage represented was "*holding a pair of gloves in his hands.*" It is useless to pretend that there was a transposition of the painting from canvas to wood, as the process of transposing paintings was employed for the first time, in 1751, by Robert Picault in the restoration of *Saint Michel Slaying the Dragon*.^{*} Also, no one had as yet attempted to transfer a painting from canvas to wood.

As in the case of the Louvre Museum painting No. 1644, *which does not show the gloves of the original Raphael painting*, inventoried by Colbert Villacerf, so it is with painting No. 1600, which Sir Joseph Duveen and his clan tried so hard to anoint as a genuine Leonardo. The latter painting does not show the subject "*holding a piece of small mesh lace,*" as did the original Leonardo *Portrait of a Woman* inventoried by Lepicie in 1752. We find that both these *second version copies*, as well as the *copy* of the profile painting of *La Belle Ferronniere*, appear in the inventories for the first time in 1683. It is also important to note that these copy versions in the manner of the original artists, are, in each instance, noted as being at Fontainebleau, while the originals are marked as being in the Cabinet de Peintures at Versailles.

^{*}Although the transfer of the painting St. Michel and the Dragon was effected from a wooden panel to canvas by Picault in 1751, his work was so inexpert that the painting had to be turned over to Hacquin on orders of the Director of the Batiments in 1778. The memoire of Hacquin regarding his work on the painting reads: "*Avoir releve de dessus toile la fameux tableau de St. Michel, peint par Raphael D'urbin, (operation faite antieurement par le Sr. Picault) et apres l'avoir detache, l'avoir remis sur une nouvelle toile, avec marouflage.*"

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The last official noting of Leonardo's *Portrait of a Woman* and other paintings in the Crown collection, was made by the Sieur Du Rameau, guardian of the paintings, and is dated 1784. Du Rameau remarks that the painting is "in good state," and "is in the salon of the Director of the Batiments". Particularly significant is the notation that this painting is "in good state", as all the other paintings of da Vinci, notably *Mona Lisa*, *Virgin of the Rocks*, *St. John the Baptist* and *St. Anne* were marked for "immediate attention." "Clean and varnish them," were the specific instructions of Du Rameau. Here we have a precious inference, from a documentary source, relating to the complete restoration and transfer of the Hahn painting done by Hacquin, the King's restorer. Factually, Hacquin had, in 1777, only seven years previously, transferred the Hahn painting from a wooden panel to canvas. For this reason, the picture appeared "*in good state*" to Du Rameau, which was certainly not the case with the other paintings of da Vinci in the Crown collection at that time.

My readers may well ask the question, how it is that this famous painting, *Portrait of a Woman*, by Leonardo da Vinci is no longer in the collection of the French Government, and is now in private hands. That is certainly a logical as well as a reasonable question at this time. For its full answer, we must turn back to the closing days of the tumultuous French revolution, to the year 1796. The Hahn painting was purchased in 1796 by General Louis Tourton, head of the powerful Banking Firm of Tourton and Thellusson, Place des Victoires, Paris.* He bought it from Monsieur Hubert, (August Cheval de Saint-Hubert) Architect

*General Louis Tourton, head of the banking firm of Tourton & Thellusson, son of the Sieur Louis Tourton, Equerry to the King of France, banker during the reign of Louis XVI. The elder Tourton played a powerful and important role in the finances and politics of France, as the official documents in the National Archives will testify. As senior member of the Banking Firm of Tourton, Ravel and Baur, which succeeded the important Banking Firm of Tourton and Thellusson in 1743, we find from an examination of his personal papers and testament that the Sieur Louis Tourton, who died in 1785, was one of the richest and most influential bankers of the eighteenth century. The Sieur Issac Thellusson, with whom he was first associated, was minister from Geneva to the Court of Louis XVI. (Incidentally, one of the finest Rembrandt paintings in the world, *An Old Lady Seated*

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100 pages, 2000, 250,000 words

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Substantive Changes

1. *Phragmites australis* (Cav.) Trin. ex Steud.

Journal of Management Studies, 20(6), 791-806.

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General of the government, Inspector General of the Batiments at Versailles. I will now fully identify this man, Hubert, from whom the Hahn painting was purchased by General Louis Tourton. In the Bibliotheque Nationale in Paris, there is a set of three volumes entitled *Inventaire General des Richesses d'Art de la France*, by Alexander LeNoir, who was appointed guardian of the sequestered objects of art that were taken over in 1790, from the monarchy by the revolutionary government. In volume I, page 9, we find Hubert, Lannoy and David LeRoy named as members composing the "Commission temporaire des Arts, classification Architecture." On page 32, we find a reference concerning "citoyen Hubert, Inspecteur General des Batiments de la Republique." Volume II, page 169, gives us notice concerning "citoyen Hubert, Architecte General des Monuments de la Republique." For the position of Architecte General and Inspecteur General des Batiments, Hubert was indeed well qualified. From the *Nouveau Dictionnaire des Architectes Francais*, by Charles Bauchal, we find that *citoyen* Hubert of the Republique (real name Auguste Cheval de Saint-Hubert) won the grand prize for architecture in 1784. He was official architect of the city of Paris, and, with his brother-in-law, Jacques Louis David, the French patriot painter whose genius anticipated the revolution, was director of the national fetes from 1793 to 1795. So *citoyen* Hubert, Inspecteur General des Batiments de la Republique, took up his quarters in the apartments at Versailles, occupying the salon of the Director of the Batiments.

in an Armchair, formerly in the collection of the late Mr. Andrew Mellon and now in the National Art Gallery in Washington, was in the Issac Thellusson collection in 1777.) Numerous paintings and other objects d'art that were the property of Issac Thellusson were purchased by the General Louis Tourton in 1786. Family records show a painting by Rembrandt without designation as to subject as being sold in 1794, and I am inclined to believe that this is the same Rembrandt painting that is in the National Gallery in Washington. In the testament of the Sieur Tourton we find, for instance, items noting tremendous sums of money lent for the ill-fated expedition of the Marquis Dupleix, as well as interesting sidelights on the eventual catastrophe at Pondicherry.

We find him advancing large sums to the Cie. des Indes, and for the expedition to America of the Marquis de Lafayette. We find him as a sportsman, giving the financial backing to Joseph Montgolfier the inventor

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The last time the *Portrait of a Woman*, by Leonardo da Vinci, was officially noted in a Crown inventory, as we have seen, was by Du Rameau in 1784 in the Crown collection. The painting was hanging "in the Salon of the Director of the Batiments." Citoyen Hubert, Inspecteur General of the Batiments of the Republique, which was the same official position he held as Director of the Batiments under the King, had in his office, the very picture noted by Du Rameau and Lepicie. Hubert eventually sold this picture to General Louis Tourton.

Although the sale of the *Portrait of a Woman*, by Leonardo da Vinci, by Hubert to General Tourton was well known in family tradition, I undertook a search that lasted over a period of years in hope of finding some documentary evidence of the sale. After reviewing thousands of uncatalogued documents in the Archives Nationale, and a thorough search in the Bibliotheque Nationale, I found, after almost despairing of success, the documentary evidence for which I was searching. This final bit of evidence was located in the Rothschild Library (Foundation Salomon Rothschild, ancien collection Doucet), which is under the administration of the University of Paris. Plate No. VII reproduces pages one, two and three of a sales catalogue, dated February 25, 1846, compiled by Ferdinand Laneuville, the consulting expert of the Louvre Museum at that time, listing six paintings coming from the collection of General Louis Tourton. On page two of the catalogue, under caption *Avertissement*, we translate: "*The pictures which are comprised*

of the balloon. As gages for the great sums of money which his bank had advanced to the Treasury of the Crown, he held valuable rights in the government tax revenues from salt, leather and wine. As an intimate favorite of Louis XVI, the Sieur Louis Tourton was ennobled by letters accorded by the King in 1783, which were registered in Parliament on the 21st of July of the same year. Respected and honored as the Seigneur of the Chateau de Courbevoye, we find this master of French finances leaving, when he died, a sum in excess of three million livres in gold, as well as personal property and effects that mounted his fortune to a fabulous figure for those times. There can be no question about the personal responsibility of his son, who inherited the great Banking business of his father, and who was, as well, the first civil owner of the *Portrait of a Woman*, by Leonardo da Vinci.

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herein, come from the collection of General Louis Tourton, and were purchased in 1796 from Monsieur Hubert, Architect of the Government. The names of the masters under which the pictures are given are those which they were always recognized to be in the collections of Messieurs Hubert and Tourton by the most distinguished artists."

On page three, under caption, *Leonardo da Vinci, No. I. La Belle Ferronniere. Portrait.* We translate: "*This head was originally on wood. It was transferred to canvas by Hacquin in 1777. Hacquin has made mention of this transposition on the back of the picture. This painting presents notable differences with the one in the museum (Louvre). It is evident by comparing them that one is not the copy of the other. That they are both original.*" (It is evident that Monsieur Laneuville of the Louvre Museum, who compiled the text of the catalogue, was at least trying to be charitable to the painting in the museum).

There is nothing exceptional in the sale of the *Portrait of a Woman*, by Leonardo da Vinci, to General Tourton in 1796. After the fall of Louis XVI, the Chateau at Versailles passed through many vicissitudes. The Convention, after years of violent contention on the part of enemies of autocratic Versailles, saved the palace for the nation by the decrees of 1794 and 1795. However, during the epoch of violence and revolt, thousands of precious items that were formerly Crown property were offered for sale at the palace in Versailles. Magnificent paintings, chairs of tapestry and gilt, clocks of gold and enamel and other royal furnishings, which would command extravagant sums were they sold today, were either sold or turned over to officers of one kind or another in return for services during the turbulent times of the Revolution.

So *citoyen* Hubert, the same *citoyen* Hubert who was Architect General of the Republique, Inspector General of the Bâtiments at Versailles during the period of the revolution, who really was the same personage as Auguste Cheval de Saint-Hubert, winner of the Grand Prize for Architecture in 1784, and

Tableaux de M^r Vincent 1847.
revenus après la collection
du Comte de Betz NOTICE
DE *provenant*
du Général Tourlon

6 TABLEAUX

Léonard de Vinci et Claude Lorrain,
DONT LA VENTE AURA LIEU
Le Jeudi 25 Février,

A la suite de la 2^e Vacation de la Vente du Cabinet de M. le Comte DEBETZ.

RUE DES JEUNEURS, 16,

Par le ministère de M^e BONNEFENS DE LAVIALLE, Commissaire-
Preneur, rue de Choiseul, 41,

Assisté de M. FERDINAND LANEUVILLE, Expert, 8, rue Thiroux



L'Exposition aura lieu les Lundi 22 et Mardi 23 Février,
de midi à cinq heures.



PARIS

IMPRIMERIE ET LITHOGRAPHIE DE MAULDE ET RENOU.

Rue Bailleul, 9 et 11, près du Louvre.

1847

30890

DES TABLEAUX

AVERTISSEMENT.

Les tableaux compris en cette notice, proviennent de la succession du général Tournon et furent achetés en 1796 de M. Hubert, architecte du gouvernement. Les noms des maîtres auxquels ses tableaux sont donnés, sont ceux sous lesquels ils ont toujours été reconnus, chez MM. Hubert et Tournon, par les artistes les plus distingués.

LEONARDO DA VINCI.

1 -- **La belle Féronnière.** — Portrait.

Cette tête était d'abord sur bois. Elle fut transportée sur toile par Hacquin, en 1777.

Hacquin a fait mention de cette transportation sur le derrière du tableau.

Ce portrait présente des différences notables avec celui qui est au Musée; il ressort évidemment de leur comparaison que l'un n'est pas la copie de l'autre; que ce sont deux originaux.

NICOLAS POUSSIN.

2 -- **Diogène jetant sa coupe.** — Paysage

Ce tableau est une variante de celui qui est au Musée, dont il diffère dans plusieurs parties principales. Il semblerait qu'il a été la première composition du Poussin sur ce sujet.

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the King's architect at Versailles during the tragic last days of the monarchy, was the intermediary of the transfer of the Hahn painting from the Crown collection to General Tourton. The Sieur Du Rameau, Guardian of the King's pictures made a last "*Total General des Tableaux de la Couronne*" in 1788. His final listing shows only one painting in the Crown collection marked "Saint-Hubert." (See Plate No. VI.)

Thus I leave my reader with the full documentary evidence of the Hahn and Louvre paintings found in the National Archives of France, the Bibliotheque Nationale, and the Rothschild Library. There is no question about the authenticity of the Hahn painting. It is the *Portrait of a Woman*, by Leonardo da Vinci, as this is fully described by Bernard Lepicie in his inventory of the Crown collection dated 1752. Likewise, there is no further question about the status of the painting, *Portrait of a Woman, "in the manner of Leonardo da Vinci, without hands,"* now in the Louvre Museum, No. 1600. It is a copy.

In strong contrast with the air-spun conjectures, subjective guessings, sixth sense flairs, and, in certain instances, downright dishonesty produced by members of the Duveen clan, we find that reliable historical documentation accounts, in a most factual manner, for the existence, condition and status of the Hahn and Louvre paintings. It accounts for the transfer of the Hahn portrait from wood to canvas by the Sieur Hacquin, the King's restorer of paintings. It accounts for the jewel on the forehead of the Hahn painting which Mr. Berenson said "was not painted by Leonardo"; it shows that the jewel was painted "on" the Hahn painting by Primaticcio at the order of the King. The documentation completely accounts for the presence of genuine ultramarine and other precious and costly pigments in the Hahn picture, and for their total absence in the Louvre version. It completely accounts for the absence of "hands holding a piece of small mesh lace" in the Hahn painting by the record of the transfer of the painting from wood to canvas by Hacquin in 1777. It completely accounts for the Louvre version which Sir Joseph

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Duveen and his clan tried so hard to metamorphize into a da Vinci. It shows this as the "copy* of the *Portrait of a Woman, "in the manner of Leonardo da Vinci, without hands" recorded in the inventory of LeBrun in 1683. It further accounts for the "possession" of, and the "sale" of, the *Portrait of a Woman* by Leonardo da Vinci, last seen in the Salon of the Director of the Batiments by DuRameau, Guardian of the King's pictures. It shows that it was sold "by *citoyen* Hubert, Architect General of the Republic, Inspector General of the Batiments," to General Louis Tourton in 1796.*

This case of Hahn vs. Duveen provides among other things, a unique example of the objective and scientific nature of accurate historical research. Such historical documentation is thoroughly objective, and is the one best method for the authentication of ancient paintings which have historical background and value. A large percentage of the alleged masterpieces coming from the rubbish pile of Europe, which have found their way into the collections of American millionaires and public museums via the art expert "guarantee" route, are notoriously short on reliable historical background.

In the final analysis, all other methods of picture authentication must be tested for their value against primary bases of adequate and authentic documentation. Without this, there is naught but guesswork. And guesswork is liable to orientate itself about and in favor of those who are able to start a good flow of cash.

*In all likelihood a copy of the School of Fontainebleau.

▪

“Happiness Consists in Being Well Deceived”

▪

Chapter 13

Anyone who knows what has been going on in the art world since the turn of the century recognizes that the business of the art expert is largely fraudulent. It is a well established fact that the dubious and counterfeit works of art hanging in honored niches in some of our best public museums and private collections vastly outnumber the genuine works. And it is clear that venal art experts are responsible for this condition. The plushy business of dealing in dubious works of art via the art experts' say-so's has become a highly prosperous game. It almost proves, as Dean Swift so aptly remarked, "All sublunary happiness consists in being well deceived."

Several years ago, Henri Rochefort, the veteran critic and collector, made this timely observation about the value of paintings which were up for sale, "The price of a picture always depends on the hook from which it hangs." To apply his dictum to present conditions: If the hook happens to be on the plush walls of the world's greatest art dealer, the dependent picture is worth five or six figures; if the hook is sticking in the plaster of a gallery "just around the corner" off Fifth Avenue, the same painting is expensive at four figures; and if the hook is in the gallery of a small art dealer in Kansas City, the painting is worth what you can get for it.

American millionaires with aesthetic leanings or pretenses thereto, have not bought paintings, as such, at all. What they have bought and paid for are the unctuous and effete flummeries of plush salesrooms, neatly worded guarantee certificates and

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suavely calculated manners. On a purely economic basis, the old master business is a racket. It is overly ripe for a thorough investigation. The purchase of paintings which happen to be hung on a hook stuck deep in the "plush" is a pretty risky business.

The results of the auction sale of old masters belonging to the estate of the late Mr. Jules Bache should throw consternation into the ranks of all aesthetically active multimillionaires. Three or four more estate auction sales of this sort could easily knock the bottom out of the old master market. At the Bache sale, a certificated Bellini painting, named the *Virgin and the Child*, for which Mr. Bache had paid one hundred and sixty thousand dollars, had a tough time pulling a bid of five thousand, five hundred dollars; *The Three Gosling Children*, a certificated Romney went for four thousand seven hundred and fifty dollars; a Raeburn for three thousand seven hundred and fifty dollars; and the *Portrait of a Man*, by Joost Van Cleve according to the experts, was knocked down at three thousand, four hundred dollars. I do not think these low prices are surprising considering the paintings, nor do I think that Mr. Bache, were he still living, would have thought the prices too low either. It is very likely he would have been much surprised at his own gullibility in paying the prices he did for them. When he bought them, they were hanging on a plush hook. When they were sold, it was under the merciless hammer of an auctioneer. The difference between these two extremes shows the value of the neatly worded certificates that went with the paintings.

When the second trial of Hahn vs Duveen was ordered, a well known restorer of paintings, who had been in the employ of Sir Joseph Duveen for many years, came to New York from his home in Italy to assist the plaintiff. A publication of the disclosures made by this restorer concerning certain so-called old masters now in American collections and public museums would throw the art world into a panic. The traffic in dubious paintings and outright fakes, which have been certified as genuine by various

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experts of the art world, has been enormous. The plaintiff in the case of Hahn vs. Duveen, was prepared to introduce at the second hearing direct evidence from an Italian painter who actually painted many of the *chef-d'oeuvres* now hanging in the greatest collections in America. Despite the fact that many of these paintings were sold for hundreds of thousands of dollars, the painter who made them received but a few paltry thousands of Italian lire for his work.*

Dealers frequently take back suspected paintings without challenge or even a perfunctory attempt at establishing authentication. Such transactions are notorious, and are sometimes even bragged about when dealers meet. The names of dishonest dealers are known; their stalking horses, sometimes men high in financial and artistic circles, operate unabashed and unrebuked. There seems to be a general assumption that it is permissible to foist outright fakes on the public just so long as the dealer who gets caught at it pays up to avert an exposure. This evil racket has grown to alarming proportions only through the deplorable lack of courage on the part of the buyers of this rubbish. The narrow vanity and fear of the victimized purchasers keep their lips closed; mere indifference and laziness holds others inactive.

When a famous picture restorer, formerly employed by Sir

*For another instance of a master workman who was an expert at making forgeries, and who was milked by the dealers, we have only to consider the case of Aleco Dossena.** In 1938, he sued one of his employers for back payments on his work. Out of this suit came the surprising revelation that his Athena had been purchased by the Cleveland Museum for \$120,000, that a 15th Century Tomb of his was acquired by the Boston Museum, and that an archaic Greek statue by him had passed into the Metropolitan Museum in New York. Despite the fact that all of these works exhibited the patina of centuries and the mutilations of time, they were only a few years old.

Suave and unscrupulous dealers armed with the opinions of art experts managed to dump about \$3,000,000 worth of Dossena's modern forgeries in the laps of the directors of American museums and private collectors. That the gullible collectors fell hard for Dossena's fakes is putting it very mildly. All the while, Dossena lived and worked in modest circumstances, his recompense being a salary equal to \$1,300 in Italian lire paid by two art dealers.

**Valentiner, von Bode, de Nicola, and Volpi, to mention a few of the world famous experts who have at one time or another certified modern forgeries of Dossena as genuine ancient masterpieces.

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Joseph Duveen, went to see Mr. Bache about his collection of paintings in order to identify, in a formal manner, certain of the Bache paintings that were to be injected as issues in the second hearing of Hahn vs Duveen, he was refused the privilege of seeing the collection. A more decent attitude on Mr. Bache's part would have been one of vigilance and help in the prosecution of fraud. What the picture collectors of America need is a little moral sense and civic courage. What the art rogues fear above all things is exposure. In the full light of day this traffic in spurious paintings would soon die out.

I have had considerable experience with owners of old masters who could have rendered extremely valuable assistance to the cause of obliterating fake art in the United States, if they had possessed the courage to come forward with their "masterpieces" and expose the rogues who sold and expertized them. I found that the more worldly important the owner was, the more he hesitated to submit his paintings to scientific test. Perhaps the fear of having his friends and associates learn that he had been duped was the prime motivation of hesitancy. These men seemingly would rather own a fake, for which they had paid hundreds of thousands of dollars, than acknowledge that they had been the victims of a swindle.

The late Sir Joseph Duveen once remarked, "The particular thing that makes American collections so unique and so priceless is that their pictures are all masterpieces."* I would take no particular exception to Sir Joseph's assertion if he simply meant that there were many rare and beautiful paintings in public and private collections in the United States, but if he uses the word "all," he forgets too easily the many dubious paintings he helped dump on the market. His statement is a travesty on the facts.

For example, let us take the purported Titian, variously known as *Portrait of a Man*, or *Portrait of a Venetian Gentleman*. sold

*Old World Masters in New World Collections, Esther Singleton, Pref. Page 8.

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by Sir Joseph Duveen, one time in the Goldman collection, Kress collection, and now hanging in the National Art Gallery in Washington, as No. 369. This painting is on canvas and has been guessed by various members of the Duveen clan and others of the hierarchy of art experts, as being by Titian, Licinio, Giorgione, Sebastian del Piombo, and as a copy after Giorgione or after anybody else that strikes the experts' ouija boards. Not one of them has had the professional courage to say that the picture is simply the work of a mediocre Dutch painter in the manner of Titian or Giorgione. Such an attribution would not add any dollar mark value, either for the dealer or to the ten percent sales fee of the expert. Secondly, the penalty of losing one's card of good standing in the priesthood of guessers, would be far too great a penalty to pay for expressing an honest opinion.

Likewise, the art writers, who at various times have given their appreciations of this particular painting, have been notoriously vague in their comments on the ownership background of this picture. The catalogue of The National Art Gallery lists the picture as coming from the collection of Lord Rochdale, Beechwood Hall, England, which of course is interesting, but not informative about the picture. I have taken considerable time to go into the ownership background of this "*chef-d'oeuvre*," and I have been unable after a thorough search to find any documentary evidence as to ownership previous to the time the painting was a part of the collection of a Mr. Henry Doetsch, New Burlington Street, London.

During the past century, the market value of a painting was in a sense determined by the importance, reputation and quality of the collection of which it was a part. In other words, to have a fine and carefully made collection of important paintings was traditional with wealthy and responsible families. Questions may arise from time to time among competent authorities as to the true attribution to be given to a specific work in an important collection, but there is never any question as to the

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quality of the painting no matter who executed it. A conscientious collector of really fine paintings, or other objects of art for that matter, would never give serious thought to maintaining a fraud in his collection.

The Henry Doetsch collection, from which the painting No. 369 in the National Art Gallery comes, was not a fine or even a fair collection of pictures—not in any sense of the word. The most charitable thing that one could say about it would be to call it “fishy.” At the time the Doetsch collection was sold, the English critic, Mr. W. Roberts, commented in this manner: “A collection comprising about 1,000 old masters and miniatures was formed by the late Henry Doetsch of New Burlington Street. The annals of picture sales probably cannot furnish a fiasco so deservedly complete as that which attended this sale. The surprising thing is that Messrs. Christie & Co. were induced to undertake the sale of this vast assemblage of rubbish, for where the example may have been genuine at one time, the restorer has all but completely obliterated traces of the master hand. The portentous catalogue of this collection occupied one hundred and twenty-six pages, and was burdened not only with a superfluous preface from Dr. Richter, but with pedigrees which are more doubtful, and some of them have certainly been impugned. The average result of this sale gives about twenty-five pounds for each work of art, although very few individually reached that amount. *It is a relief to know that many of these pictures have gone to America.* (Italicizing my own). That so much rubbish should exist anywhere on the face of the earth is a disquieting reflection to those, who were at all acquainted with truly great works of the Italian school; and that these names and fame should be so dragged through the mud is a public scandal.”*

So much for the nineteenth century collection provenance of the *Portrait of a Venetian Gentleman*, No. 369, in the National Gallery of Art! Is this picture by chance one of the “unique and

*W. Roberts, the “19th Century Magazine,” September, 1895.

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priceless masterpieces in American collections" to which Sir Joseph referred?

The Doetsch collection is typical of many collections, formed in England during the early and middle years of the nineteenth century, which eventually found their way to the lush American old master market, via the plush hook and art experts' say-so route. Apropos are the pointed remarks of Mr. Roberts concerning the "portentous catalogue" of the Doetsch collection with its "superfluous preface by Dr. Richter," and the doubtful as well as often times impugned pedigrees given to the pictures. This is the same procedure followed to this day. Dr. Richter was the Dr. Valentiner of his time. Also highly significant is Mr. Roberts' comment, "It is a relief to know that many of these paintings have gone to America." The fact that the United States has been on the receiving end of the picture rubbish from England and other European sources for a considerable time is all too apparent to anyone who knows anything about the old master business. That the world's greatest art dealer, Sir Joseph Duveen, was instrumental in providing his wealthy American clients with some of this rubbish is evidenced by the fact that pictures from the Doetsch collection and other English collections, notorious for mediocre and highly questionable paintings, have passed through his hands.

The authorities of the National Art Gallery in Washington would do well to give the full provenance of the *Portrait of a Venetian Gentleman* in their official catalogue, instead of the highly incomplete and smug notation, "from the collection of Lord Rochdale, Beechwood Hall, England."

The Benson collection, which was formed by Robert H. and Evelyn Benson (daughter of Robert Stayner Holford, another well known nineteenth century English art collector), was also a fat source of paintings of dubious ancestry and attribution. The collection was purchased in its entirety by Sir Joseph Duveen in 1927, and brought to the United States *en-bloc* for dispersal. Aided by neatly worded attribution certificates, plus

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an adroit bit of Duveen showmanship, and inspired also by deluxe art journal propaganda, the Benson collection was readily absorbed by enthusiastic American millionaires at the usual Duveen dollar mark rates. The fact is common knowledge that the Bensons paid very moderate prices for the paintings they purchased.

American millionaires, who have *chef-d'oeuvres* with imposing pedigrees and whose pictures are listed as "coming from the collection of the Right Honorable George, last Earl of Egremont," should be interested to know that this source was considered at the time of its dispersal as "a fair example of the rubbish treasured as old masters."*

The Wynn Ellis collection which also furnished so many pictures for the American market was characterized by Frederick S. Robinson**, the well known English critic, as "a vast collection of 'duffers,' among which were some good pictures, some of which were bequeathed by Mr. Ellis to the National Gallery."

Notorious copies of Italian masterpieces done by Teniers in the manner of Titian, Bellini, Veronese and Palmo Giovanni and coming from no less an important endroit than Blenheim Castle have eventually been sold with so-called art expert certification as being replicas from the master's own hand.

The former ownership background of many paintings, purportedly coming from various ancient Italian collections, is so highly dubious, and in certain instances so unblushingly spurious, as to be a downright fraud. The fact that many of these "Mefooskies" are privately owned and have never been publicly displayed by their owners deters me from pointing them out herein. I have hopes that someday an owner of one, or more, of these frauds will have the moral courage and civic responsibility to come forward and submit his paintings and their pedigrees to a competent examination and thereby render a valuable service

*19th Century Magazine, August, 1894.

**The Connoisseur, Frederick S. Robinson, Longman, Green & Co., New York, 1897.

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toward exposing the swindle of which he has been a victim. The day is not too far distant, I am sure, when this whole fancy business of dumping dubious and spurious paintings on the American public will, with all its elaborate art expert support and other propaganda riggings, collapse of its own iniquities.

Every expose that occurs in life has some value to the public at large. This is indeed a truism when we regard the proceedings which are taking place anent the forgeries of old masters. A little study of this business should open the eyes of aesthetically inclined millionaires to the fact that a simple wishing to possess a rare painting does not insure such possession, nor does trusting to the importance or integrity of an art dealer or the competence of an art expert always help. I do not consider this a blanket indictment of all of the art dealers and art experts in the United States. Some art dealers try to be honest, and some experts have a degree of competence, but these are not the kind generally found operating on the plush hook basis, with millions to back their shady operations, and with accomplices in high places willing to go to any extremes when the need of the moment demands.

The traffic in dubious paintings, sold as authentic masterpieces, would be very quickly terminated if aesthetically minded collectors who pay good American dollars for this sort of stuff would use their own good business judgment a little more, and heed the advice of suave art advisors a little less. For the life of me, I will never be able to understand how a businessman with enough intelligence to create a large fortune, with enough acumen to act as director in a dozen or more corporations and banks, and who can play a fair hand of poker as well, could still be so stupid as to fall victim to the flummery of a dealer in fake paintings.

Any man not yet in his dotage, not completely ga-ga, who willingly parts with several hundred thousands of dollars for three square feet of painted canvas simply on the glittering say-so of a polished gentleman with continental mannerisms, striped

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pants and grey spats, is a patient for a psychiatrist if there ever was one. Attempt to interest this same millionaire in a perfectly sound business venture; try to get his support for a fraction of what he is willing to part with to become the proud owner of a so-called old master, and he will raise heaven and earth in examining the proposition before he would even invest a dime.

The art business, however, is peculiarly blinding. Half those who come near it are turned into dupes. And the bigger the man the bigger a dupe he becomes. The following is a splendid example of just what I mean. Mr. P.A.B. Widener, the well-known multimillionaire businessman and art collector of Philadelphia, purchased a painting of a woman called *Isabella Coymans* which was represented as being a genuine Franz Hals. This dollar mark painting was nothing more than a fake copy of the genuine picture which is in the collection of Baron Robert de Rothschild, Ferrierres, France. When Mr. Widener purchased this painting he evidently didn't get it for "prunes," as they say in France. It also goes as a matter of course that he probably was furnished with one or more neatly worded certificates attesting its genuineness. The picture was even exhibited at the Hudson-Fulton Exhibition in New York in 1909, as an original Franz Hals. A few years later, the learned Dr. Wilhelm Valentiner, at present of the Detroit Museum, included it in the catalogue which he made in 1913, of the "P.A.B. Widener pictures at Lynnewood Hall."

Not long afterwards, someone in the know evidently gained Mr. Widener's ear and told him that his Franz Hals was "a Benny Shapiro," because it turned up on October 14th, 1918, in an anonymous sale at the Fred Muller & Co. of Amsterdam, under the very modest caption of "No. 32, Haarlem School, *Smiling Lady*," and was knocked down for F. 750 (\$301.50).

The fact that Mr. Widener was taken in on this painting when he purchased it as a genuine Franz Hals, is a far less important matter than the fact that he did nothing about it. In permitting an art dealer to get away with this unblushing fraud simply

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further abets the flagrant swindling that goes on in the old master racket. An elementary duty of Mr. Widener in such a case as this was to have the people who sold him this fake picture properly exposed.

Another example is in the history of a dubious painting which was exhibited as a genuine Franz Hals in the "*Masterpieces of Art Exhibition*" at the New York World's Fair in 1939. In the official catalogue of the exhibition will be found No. 176 a painting called *Arnoud Janz van Druivesteyn*, by Franz Hals. Mention is also made that this painting was loaned by the Hon. Oscar B. Cintas, of Havana, Cuba. This particular painting was once in the John G. Johnson collection of Philadelphia, and was sold because its authenticity was doubted. Despite these doubts, the painting soon turned up in the Kleinberger Art Galleries in Paris as a full-fledged Franz Hals. Eventually, it found its way back to the United States, this time in the John Levy Galleries in New York, having picked up a little lustre on the way by the intermediary of a listing in the collection of Sir Hugh Lane, London. In the meantime, the learned art expert Dr. Wilhelm Valentiner had managed to list the painting no less than three times as a genuine Franz Hals. The first time in his volume, *Franz Hals In America*, No. 19, the second time in the *Catalogue of the Franz Hals Exhibition in Detroit in 1935*, No. 8, and the third time in the *Catalogue of the "Masterpieces of Art Exhibition," World's Fair, New York, 1939*, No. 176.

The unpublished notes of the eminent Dutch authority, Hofstede de Groot, in the Netherlands Institute of Art, History and Reference Library, The Hague, state "that after examining the Cintas portrait in comparison with the Group, he considers it to be a copy." The weight of Hofstede de Groot's opinion, plus the fact that this painting had already been sold out of the John G. Johnson collection for doubtful authenticity places it in a conspicuous position in the category of "highly dubious" paintings.

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The choosing of a painting with an authenticity status as questionable as this for display at the World's Fair in New York in 1939 and the Detroit Exhibition in 1935 as a genuine and representative work of Franz Hals is one of those subtle and artful riggings employed in the old master business to support authenticity records. This practice is not infrequently used as a pacifier for an owner who is commencing to evince symptoms of doubt as to the real value of the art expert's certificate which came along with his masterpiece.

I have referred to the *Portrait of a Venetian Gentleman* in the National Art Gallery, to the modern fake which Mr. P.A.B. Widener bought as a genuine Franz Hals, and to the highly dubious painting in the Cintas collection because these three paintings are representative of hundreds of others whose only claim to authenticity also rests on the neatly written opinions of professional art experts. None of these three paintings had any historical documentation worthy of even a second glance to support them. The art dealers who sold them bolstered the genuineness of their wares by way of art expert service.

The reason so little reliable documentary evidence is furnished with dubious paintings is because the dealers who handle this sort of rubbish are anxious to keep the provenance and historical background of their wares just as mysterious and shady as possible. "Half the time," says Bernhard Berenson, "the dealers sell to one another and cannot say what has become of a work of art that has passed through their hands. The other half and more than half, they do not like to lay open to investigation. They sell as a rule under the biggest name an object will carry, and they fear that critics may dispute it. Criticism makes trouble and always will so long as collectors pay more for names than for the goods they cover."* Ugly as it is, this is the accepted and current practice in the selling of old masters. It is the prime reason why the plush business of satisfying the vanity of

*Bernhard Berenson, the "International Studio," July, 1929, p. 21.

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aesthetically minded millionaires developed into such a fantastically prosperous business.

I ask my readers to reflect on these matters for a moment. Let them ask from whom the professional art experts derive their authority. Let them ask from what source springs the aura of omnipotence that beatifies a Berenson. If the authority or competence of Mr. Berenson is measured by the yardstick of Senor Cambo's fake Antonello, Donna Laura Minghetti's fake Leonardo, and his testimony in the Hahn-Duveen trial, then we must admit that his enviable position as "leading art expert" is a fraudulent imposition on the public.

Along with Berenson and others of the Duveen clan, one of the most active of authenticators is Dr. Wilhelm Valentiner, Director of the Detroit Institute of Art, who has on various occasions rendered yeoman service to art collections that have been largely formed under the selling auspices of the late Sir Joseph Duveen. Dr. Valentiner has compiled numerous de luxe art catalogues* sprinkled with highly speculative guessing about the authenticity of dubious paintings, and of some outright fakes.

Dr. Valentiner is the star pupil and protege of the late Dr. Wilhelm von Bode, the former autocratic director of the Kaiser Frederick Museum in Berlin. Dr. von Bode during his lifetime was an expert at certifying forgeries.** He was the author of

*Dr. Valentiner is the author of several fat and authoritative volumes, one notably being his *Rembrandt Portraits in America*. This volume was offered to the public at \$40. Aesthetically inclined admirers could obtain a special edition containing a stunning portrait of Dr. Valentiner with his autograph thrown in for a mere \$75.

**The enumeration of the dubious paintings as well as forgeries certified as genuine by the late Dr. von Bode would be of itself an important work. Dr. von Bode authored several ponderous tomes, each of which helped to make the "records" for millions of dollars worth of old masters offered on the American art market. The "Art Digest," July 1st, 1931, quotes the following article from the "Art Trade Journal," entitled *Famous Expert's Error*: "Another serious blow has been dealt to the reputation of the late Dr. Wilhelm von Bode, and it has come this time from the institution over which he so autocratically ruled—the Kaiser Frederick Museum. The story is told by *Acht Uhr Abendblatt*. According to this paper, a windmill painted on wood and certified by Bode to be a Hobbema, came to the German market from private hands in 1921. and was sold through a Dutch dealer to Mrs. Helen Nelson of New York—better known under the pseudonym of "Helen

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ponderous tomes, each of which helped to make the records for millions of dollars worth of pseudo old masters. From the master, the pupil no doubt acquired his amazing proclivities for compiling art catalogues.

In the matter of the fake *Mino da Fiesole** bought by the late Edsel Ford on an authentication of Dr. Valentiner and others, the pupil ungraciously pushed the blame on his master, Dr. Bode, when the fake was exposed, saying he "had followed the endorsement of Dr. Bode, the greatest connoisseur on Italian sculpture, and that of de Nicola,** the former Director of the Museo Nazionale in Florence." If any of my readers care to see just how enthused an art expert can get about a fake when he endorses it as genuine, especially when it is about to be dumped on an American millionaire, I recommend that he look up the Detroit Museum Bulletin of November, 1925, and see what Dr. Valentiner thought about the *Mino da Fiesole* purchased by Mr. Edsel Ford for the Detroit Museum.

Mr. Ford was not alone in being victimized as the purchaser of a fake *Mino da Fiesole*. The Boston Museum*** also parted

Swift." Bode's authority was the factor that decided the price." (My note: it is always the art expert's authority that is the price factor in the old master business). "Sometime afterward, Mrs. Nelson offered by letter to present the picture to the Kaiser Frederick Museum, and when the painting was re-examined, it was decided that it was not a Hobbema at all, but an English 18th century forgery."

It will also be recalled that among Dr. Bode's famous guesses was his dictum that a battered wax bust by an early Victorian modeler named Lucas was long displayed in the Kaiser Frederick Museum as a genuine work of Leonardo da Vinci. The dubious and fake Rembrandts which he has certified are legion.

*It is reliably reported that Mr. Edsel Ford gave \$25,000 for this fake marble bust which was, in all probabilities, made either by Aleco Dossena or Bastiani.

**The Dr. de Nicola cited by Dr. Valentiner is the same personage who supported Bernhard Berenson in certifying the fake Antonello da Messina that was sold to Senor Cambo. (See footnote page 21).

***The Boston Museum of Fine Arts seems to have been marked as a soft touch by the art fakers. In 1930, Mr. E. F. Holmes, then director of the Boston Museum, purchased two paintings carrying art expert certification as being from the brush of Cima da Conegliano. He paid \$35,000 for the paintings. In due time, both paintings were proved to be first class fakes. Mr. Holmes then returned the two "Coneglianos," and received in

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with a sum reported to be \$100,000 for the *Tomb of Catharina de Sabello*, which was purchased from Count Volpi, the Italian dealer-expert, who also has quite a reputation as a dealer in the spurious. Besides fake Dossenas, this Italian dealer has unloaded many paintings on the American market, several of which are not only exceedingly dubious as to authenticity, but exhibit indications of rank forgery. Volpi also offered to no less a person in the art world than Miss Helen Frick an annunciation group in marble—a kneeling angel and a seated virgin, which carried expert attributions indicating a genuine Simone Martini, but turned out to be a modern forgery by Aleco Dossena.

The Metropolitan Museum in New York was also enriched with a marvelous fake by Dossena secured through a purchase by the late John Marshall, whose authority in his field was never questioned, and to whom the classical collection in the Metropolitan is largely a monument. The Cleveland Museum, too, went in a big way for Dossena's masterpieces. Thus the plush business of dealing in fake sculpture runs its way after the dollars of gullible American millionaires.

It is, however, in the field of paintings that the dealers in the dubious have had their greatest triumphs. The highly rigged specialty of selling old paintings which are not dubious as to authenticity, but which are not masterpieces either, has also been developed into a great business. There exist countless paintings of the fifteenth, sixteenth, seventeenth and eighteenth centuries that are more or less genuine as to period and in many cases authentic in attribution. But in the main, these paintings are not masterpieces or even good examples. The promotion of this kind of second class work, with which the European rubbish pile abounds, to the exalted status of masterpiece by the artful devices of a highly organized de luxe art journal propaganda and flossy art expert appraisal is in itself a fraud of the first magnitude.

return a Velasquez, called *Portrait of a Man* which had actually been exhibited at the Metropolitan Museum in New York. The irony of the whole transaction was that the "Velasquez" also was a fake.

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England certainly did not grieve when Sir Joseph Duveen had *Pinkie* by Sir Thomas Lawrence taken away. Under the expert guidance of the world's greatest art dealer, this painting by Lawrence was sold to Mr. Huntington for slightly over four hundred thousand dollars. From then on, paintings by Sir Thomas Lawrence, and especially those handled by Sir Joseph, grew terribly important in the richest top layer of American art circles.

When Oscar Huldshinsky of Berlin sold Sir Joseph Duveen the painting *Giuliano de Medici*, by Raphael, the German Ministry of the Interior, which was charged with the licensing of art objects for exportation, ruled that it was not one of Raphael's masterpieces and therefore, there was no objecting in exporting it from Germany. But the art journal build-up and art expert appraisal that appeared simultaneously with the arrival of the painting in the United States indoctrinated the American public with the idea that it was one of Raphael's most notable pictures. The German art expert, Liphardt, first took notice of this painting in the Brini collection, where it was considered a work of secondary order. It is rather significant that the painting took on a first water rating only after the Italian restorer Tricca "discovered" the initials and markings of Raphael on the painting. That Tricca enjoyed the reputation of being one of the most celebrated forgers in Europe seems to have escaped the attention of the art experts. Tricca is the man who made the modern forgery belonging to Donna Minghetti which Bernhard Berenson declared to be a genuine da Vinci.

Then there is the painting now in the Henry E. Huntington Art Gallery in Los Angeles called *The Blue Boy* and attributed to Gainsborough. If ever a painting was given an artful build-up by a barrage of publicity, it was this one. In fact, it was so effective that the price of the painting skyrocketed up to seven hundred and fifty thousand dollars before you could decently say "scat." It was actually magnified into a sort of shrine before which only the worthy were permitted to bend a knee in

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adoration. Voices gay with enthusiasm piously dropped to a reverential whisper when discussing the tremendousness of this masterpiece. All one had to do was gently say “Blue Boy,” and noisome dogs ceased to bark. Yes, my reader, all this took place until a short time ago when *The Blue Boy* was X-rayed. Now, you can actually hear the blushing in the spats of the upper hierarchy of the art world. It has become so loud that even a faint whisper about *The Blue Boy* is taboo.

The various accounts and histories of paintings called “The Blue Boy,” by Gainsborough are confusing. Several replicas are in existence, all of which at one time or the other have been claimed to be the original painting. The picture is supposedly a likeness of a Master Jonathan Buttal whose father was a wealthy ironmonger of Soho. Even on this score, there is great doubt, as the boy in the portrait has an aristocratic bearing which one would hardly associate with the son of an ironmonger. There is a better probability that the portrait actually represents Molyneux, one of the aristocratic Sefton family, whose portrait Gainsborough is known to have painted. Then too, there is evidence that Gainsborough painted the portrait of his nephew, Edward Gardner, as a lad ten to twelve years old in a Van Dyck costume of blue satin, all of which makes even the identity of the subject of the portrait a very confusing matter.

At any rate, as gossip in art circles goes, the elder Buttal, who died in 1796, is supposed to have passed the painting of his son on to the artist Hoppner, who held it for some reason or other, which has never been properly decided by the art historians, for the real owner, the Prince of Wales. Incidentally, Hoppner is known to have made a fine copy of the picture when it was in his possession, and whether or not he turned over the original or the copy to the Prince of Wales has never been determined. On the other hand there is just as plausible and as reliable a story that the famous *Blue Boy* passed directly from Gainsborough's studio to the Prince of Wales who sold it to a Mr. John Nesbit. He, in turn sold it to the painter Hoppner for sixty-

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five pounds. My reader can take his choice of the stories. This is the kind of traditional or family evidence, wholly unsupported by any kind of factual documentary evidence, that is the ideal background set-up for spinning fancy yarns about some picture about to be unloaded at a shot gun figure.

Getting back again to the matter of the X-raying of the picture *The Blue Boy* in the Huntington Gallery, there is nothing traditional about the X-ray negative of this painting. It is eloquent evidence of facts. Anyone who has ever seen *The Blue Boy*, and who was possessed of even a general technical understanding of painting, could not help remarking that an unevenness existed on the surface of a certain section of the painting. The X ray disclosed that the painting of another head underlies this uneven section.*

So it actually turns out we have a two-headed Blue Boy. Would the art experts now have us believe that the great Gainsborough whose work Sir Joseph inflated up to the astronomic figure of seven hundred and fifty thousand dollars really used a second hand canvas to paint the portrait of the wealthy iron-monger's son, or the likeness of Molyneux, scion of the aristocratic Sefton family, or that he commenced to paint one head and then became so disgusted with his work that he started all over again on the same canvas at a later date? Or would they now care to excuse the two-headed Blue Boy by acknowledging that Gainsborough was neither an educated nor an intellectual man, and at his best was never more than a good second-rater who accepted countless portrait commissions as pot-boilers?

Sir Joseph Duveen must be accorded his dues. It certainly took a considerable know-how along with an elaborately arranged market-rigging, to push a painting with a miscellaneous background up to the fantastic dollar mark figure with which he tagged this one.

With the exception of the famous name of Corot, there are, perhaps, more spurious Rembrandt signatures affixed to dubious

*"Art News," February 15-28, 1942, p. 9.

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paintings than any others. If the experts continue to baptize pictures that are obviously from the hand of Rembrandt's students, and not infrequently the products of adroit copyists of a much later date, with the dollar mark name of Rembrandt, there is no telling what proportions the catalogue of certified paintings of the illustrious Dutch master will reach in the next decade or so. There are more of them now than Rembrandt could ever have painted.

Professor John C. Van Dyke was one of the very first art critics who had enough honest courage to sound a cry of alarm about the plush hook dealers' and their experts' practice of flooding the American market with dubious Rembrandts. What happened to Professor Van Dyke at the hands of the effete gentry who were in control of the Rembrandt business is a matter of classic record. The so-called de luxe art journal and art writer pen and ink defense of the racket got busy, and Professor Van Dyke was publicly dubbed everything obvious.

The real fact is that this learned gentleman from Rutgers University knew all too well what the plush-hook art business was up to long before anyone else even suspected it. Best of all, he was courageous enough, at the risk of losing his professional standing as an art critic, to do something about it. Had certain American museums and collectors paid more attention to the warnings of Professor Van Dyke, and given less heed to the babblings of Bode, Bredius and Valentiner, there would be about one-fifth the number of pictures in the United States that are now sporting shiny brass plates on their frames inscribed with the illustrious name of Rembrandt.

Dr. Maximilian Toch of New York, the well known expert on pigments and X rays of paintings, confirms the earlier opinions of Professor Van Dyke on the paintings attributed to Rembrandt that stock museums and private collections in the country. In a timely statement given to *The New York Times*,* Dr. Toch asserted that only one of all the paintings attributed to Rem-

*The New York Times, March 22, 1931.

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brandt in the Metropolitan Museum was genuine. "In the entire world," he said, "I do not believe there are a hundred genuine paintings by Rembrandt." When told that the art dealers had declined to comment on his statement, Dr. Toch asked, "What can they comment? Do they know how to read X-ray negatives? What do they know about paintings except by emotionalization?"

Dr. Toch, being a thorough scientist and accustomed to dealing with facts instead of fables overlooks the matter that the plush hook art business is not operated on the premise of dealers knowing anything about paintings. When the dealers want any information about Rembrandt's works, they simply consult Dr. Valentiner. Believe me, these art merchants know an art expert when they see one. Any expert who can catalogue 170 genuine Rembrandts in the United States and Canada, and still sleep well at night ought to be safe enough as a consultant for the plush hook dealer.

For myself, and speaking as the result of a considerable experience in checking the aesthetic sixth sense deductions of the upper hierarchy of the picture authenticators, I prefer to ride along with the opinions of scientists like Dr. Toch and Professor Laurie. To me, there is a cachet of authority in the opinions of men who look through a microscope, instead of a monocle, when the authenticity of a painting is in question.

So many pictures that are of dubious attribution or are simply out-and-out fakes have been sold in the United States during the past forty odd years, that an enumeration of even a representative group of these would be the work of a lifetime. All through this volume, by using the expert testimony as was offered in the Hahn-Duveen case as evidence of the lack of professional competence, and in some instances of professional integrity itself of the world's greatest art dealer and his clan of advisors, I have given my reader a slight glimpse backstage of the inner workings of a typical plush hook organization.

Sir Joseph Duveen sold many of the dollar mark paintings now hanging in American public and private collections. The list is

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imposing, but not one in all instances of which to be especially proud. Many highly questionable paintings, that he did not sell, were handled by other closely allied plush hook dealers, who were largely dependent on the opinions of the various experts of the Duveen clan for aid in selling their wares.

I have, in my files, an exhaustive documentation that was made on a large number of paintings that now are paraded as genuine masterpieces from the hands of famous Italian masters simply on the written opinions of art experts. The archives of Europe, civil files, family histories and thousands of documentary sources, have been combed for information that would check the all too often fantastically impugned pedigrees handed out with many of these dollar mark masterpieces.

The preparation for the second hearing of the case of Hahn vs Duveen, which never became an issue, was thorough and complete. It can now be told that a famous restorer of paintings, who worked over a period of several years on many of the dubious and many fake paintings which went into high prices, would have been a major witness. He would have provided indisputable evidence that the plush hook art business was often downright swindling. A living Italian painter, who was as poorly paid for his expert work as was Aleco Dossena, would have pointed out the masterpieces which he created and which were eventually dumped in the swag-bellied American old master market via the plush hook and expert certification process.

It is the public and the art students who eventually become the victims of this kind of swindling, for a large number of these dubious paintings are donated by unsuspecting private owners to public museums or institutions. Something more that the public in general does not even faintly suspect is that large collections of paintings have been formed by certain rich men who acted as nothing more or less than a stalking horse for a plush art dealer. These men frequently had more than a pecuniary interest in an art dealer's business by the subtle arrangements

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known as banking connections. By this stalking horse strategy, the lesser fry of the aesthetically inclined crop of new millionaires were sometimes taken in on some rare bargains.

There seems to be no other way of arousing public interest about the quality of many paintings being donated to public museums than to take the drastic action of pointing out some of the highly dubious paintings now hanging in one of the most important public art galleries of the nation. I sincerely regret that the conventions of the law do not permit me to also point out several dubious masterpieces, as well as rank fakes, in various private collections. However, I have this suggestion to make. If there are any private collectors who feel that they have been duped, let them offer their paintings for an open and public scientific examination. Let them tell all about pedigrees and other authentication matters which the dealer who sold the painting gave them. This can be very accurately checked up, one way or another.

Since the National Gallery of Art in Washington, is a public museum and the heritage of the people of the nation, I suggest that certain paintings now hanging in the museum be submitted to competent scientific authorities for review. The term "scientific authorities," as I use it, does not in any sense refer to those "authorities on matters of art and pedigrees" that have spent their professional careers as lackeys in the service of plush art dealers. One can not help but note in the foreword of the Preliminary Catalogue of the National Gallery of Art the following significant paragraph, which reads: "Much of this information has been provided by owners, dealers, and others from whom the works of art were obtained, and it has been impossible in all cases to assure absolute accuracy."

I respectfully call to the attention of the Director of this great gallery the fact that this National Museum is not to be considered in the same category as a plush-art sales palace on Fifth Avenue. It is the property of the people of the United States who have a right to receive considerably more assurance about

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the value and genuineness of national property than the vague "information provided by dealers and others." If this is the kind of information that has been used as a basis for compiling the Preliminary Catalogue of our great National Museum, it is little wonder "that absolute accuracy cannot be assured in all instances."

If the following paintings now listed in the Preliminary Catalogue of the National Gallery of Art are scientifically examined by competent authorities as I suggest, and their pedigrees thoroughly checked, the Director of the Gallery will have some serious changes to make in the compilation of the definitive catalogue of the museum:

- 1—No. 23, called *Profile Portrait of a Lady* one time known as *A Lady of Verona*.
—Catalogued as by Pisanello
- 2—No. 370, called *Alphonse D'Este and Lauri Danti* (?)
—Catalogued as by Titian
- 3—No. 325, called *Madonna & Child*
—Catalogued as by Alesso Baldovinetti
- 4—No. 538, called *Madonna & Child*
—Catalogued as by Giovanni Bellini
- 5—No. 373, called *Madonna & Child*
—Catalogued as by Giovanni Bellini
- 6—No. 447, called *A Saint Reading*
—Catalogued as by Vittore Carpaccio
- 7—No. 30, called *Virgin & Child*
—Catalogued as by Antonello da Messina
- 8—No. 449, called *Madonna & Child with the Infant St. John*
—Catalogued as by Andrea del Sarto

I think that a scientific examination of these paintings will be sufficient to demonstrate the probative value of the subjectively formed opinions and speculative guessing of the art experts who acted as advisors to the plush-hook art dealers who sold these paintings

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The art world will long remember the famous case of Hahn vs Duveen as the sorry instance of a clan of art experts resorting to every possible distortion of the truth and fair play in the futile defense of a rich, powerful and unscrupulous plush-art dealer whose hands were none too clean. The day Sir Joseph Duveen attempted to damn into oblivion a fine and beautiful painting by Leonardo da Vinci, which he had never seen, simply because of his egoistic desire to dominate everything and everybody in the art world, was indeed a significant day for the plush hook art business. It fatally marked the beginning of its end!

Appendix No. 1

APPENDIX NO. 1

OPINION OF MR. JUSTICE WILLIAM HARMAN BLACK

April 13, 1929

Denying Defendant's Motion to Dismiss

SUPREME COURT, NEW YORK COUNTY

ANDREE HAHN,

Plaintiff,

—against—

TRIAL TERM, PART VII

JOSEPH DUVEEN, also known as

"SIR JOSEPH DUVEEN"

Defendant.

By Mr. Justice Black

HAHN V. DUVEEN—After the plaintiff's opening, and also at the end of the plaintiff's case, defendant moved to dismiss. I denied both motions and defendant duly excepted. At the end of the defendant's case defendant again moved to dismiss, and upon that motion I reserved decision. I told counsel that this course would be followed to enable the court, in case the jury disagreed, to then pass upon the motion. Because there was authority for the proposition that such a motion to dismiss survived a disagreement and permitted the court to decide the motion in the same way that a motion to set aside the verdict for lack of sufficient evidence could be passed upon after a jury had found for a plaintiff or defendant. This logical course of reserving decision upon a motion to dismiss, until after a verdict or failure to find a verdict, has been followed, but in a late case that very

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practice has been approved by the learned Appellate Division of this department. In the case of *Stock v. Yellow Taxi Company* Mr. Justice Phoenix Ingraham reserved decision on a motion to dismiss until after the case had gone to the jury. The jury disagreed and he afterwards granted the motion to dismiss. The case went to the appellate Division and his decision was unanimously affirmed (222 App. Div. 804).

I stated to counsel in this case that I would follow the same course of reserving decision, until after the case had been given to the jury, because it would be very unfortunate if a failure of the jury to agree should deprive the court of the same opportunity to pass upon the sufficiency of the evidence that it would have had to pass upon the same point where the jury had agreed. Neither of the counsel wished to try the case a second time and both readily agreed that the suggested course should be followed.

After fourteen hours' consideration, and after every effort on the part of the court to induce the jury to agree, they finally, at 5:13 A.M., announced that it would be impossible for them to come to the unanimous decision that the law requires before there could be a verdict. The jury was discharged and it then became my duty to pass upon the defendant's motion to dismiss, decision upon which had been reserved until after the jury should have agreed or failed to agree. The argument of the motion was most ably presented by both counsel. If there had been a verdict for either the plaintiff or defendant in this case I should not have disturbed it, because under my charge the questions were entirely questions of fact.

I shall not discuss at length the law I charged at the trial applying to slander of title, because both sides agreed that in order for a plaintiff to recover she must prove that her property is what she claims it to be, because until she establishes the genuineness of her own property she cannot prove that defendant's statement regarding its spuriousness was false. When I realized that this rule might frequently cast a very heavy burden upon

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a plaintiff whose property was attacked. I strictly followed it in my charge and even went the full length of charging the jury that even though there had been a reckless attack upon the plaintiff's property, which may have been false, malicious and without probable cause to believe the attack was true, nevertheless plaintiff could not recover any *general* damage she might have sustained, but only such *special* damage as arose directly out of the alleged slander itself. Plaintiff Hahn claimed that her picture was an original by Leonardo da Vinci. Defendant said it was not painted by Leonardo, which was tantamount to saying that it was not an original by Leonardo and not a replica painted from the same model nor a duplicate painted from the original picture by Leonardo.

There were two general contentions. Plaintiff claimed that her sacred rights of property had been invaded in that defendant falsely and maliciously stated to a reporter of the New York World that the Hahn picture was not a genuine Leonardo da Vinci; that any expert who pronounced it genuine was not an expert, and that the genuine La Belle Ferronniere by Leonardo da Vinci was in the Louvre (number 1600). Plaintiff said these statements by a man of defendant's position in the world of art, who had not seen the picture, had caused her special damage by causing the Kansas City Art Museum to call off negotiations then in progress regarding the purchase of the Hahn picture.

Defendant, on the other hand, contended that the sacred right of free speech would be destroyed if such statements of opinion as he gave to the New York World could not be made in good faith regarding a picture that was before the public for sale and which had been the subject of newspaper articles in America and France.

Thus there went to the jury the sharp issue between the rights of property and the rights of free speech.

At the trial I charged the jury: "If you believe defendant's statements about plaintiff's picture were false, there (was) is nothing in the occasion alone upon which defendant's statement

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was made, to rebut or negative (such) inference of malice, but it is for you to say whether or not the statement was made by defendant in good faith. In so deciding you will consider the actual language of the statement itself, as well as all the rest of the evidence before you." Quoting Odgers on Libel and Slander, page 80, I further charged the jury that "whenever a man unnecessarily intermeddles with the affairs of others, with which he is wholly unconcerned, such officious interference will be deemed malicious and he will be liable if special damage follow." I, of course, coupled with this the qualification that the "special damage must always be such as naturally or reasonably arises from the uttering of the slanderous words of the defendant."

One of the first things the jury had to decide was whether or not Sir Joseph Duveen's statement that the Hahn picture was not by Leonardo da Vinci was made in good faith. Defendant, who had been put upon the stand by plaintiff as her first witness, sought to justify what he had said about the Hahn picture by stating that it could not be by Leonardo, because he knew that the genuine La Belle Ferronniere by Leonardo was in the Louvre (No. 1600). He further stated that he had "always had my (his) own opinion about it. I told you that I have never changed my mind personally about the painter of the picture, about the authorship of the picture." (Stenographer's minutes, p. 536) "The Court: Did you know whether Leonardo painted the picture or not?

The Witness (defendant): Of course, it was my opinion that he painted it. Yes, certainly, I know that he painted the picture.

The Court: Did you know it? You knew it? The Witness (defendant): Yes. (Stenographer's minutes, p. 538)

Later in the case the plaintiff put in evidence the following letter, which was produced by defendant: "Messrs. Duveen Brothers, Inc., 720 Fifth Avenue, New York—Gentlemen:

I have received your letter of the 20th of July, with regard to Mr. John J. Harding.

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I have in no way changed my opinion about the (Hahn) picture ascribed to da Vinci, of which you sent us a photograph. I am convinced that it is an old copy of the picture in the Louvre. I do not think it is contemporary, but is a little later than the Louvre picture. As for the authorship of the picture you write about, I do not know who painted it, but the Louvre picture is not passed by the most eminent connoisseurs as having been painted by Leonardo da Vinci, and I may say that I am entirely in accord with their opinion. It is suggested that the Louvre picture is very close to Leonardo da Vinci but is not by his hand: probably it was painted by Boltraffio.

I quite appreciate Mr. Harding's position in the matter. Kindly inform him, with my compliments, that I have no other reasons to give for my stand in the matter, and I do not think it is even worth while consulting with Mr. Berenson, as he is one of the experts above mentioned.

Believe me.

Yours faithfully, Joseph Duveen."

Defendant put in evidence a Paris newspaper interview by Harry Hahn, the husband of plaintiff, disclaiming at that time any contention that the number 1600 in the Louvre was not a genuine Leonardo.

It will be seen, therefore, that there was ample evidence upon which to go to the jury upon the question of the good faith of both sides.

In proceeding to consider whether there was sufficient evidence before the jury to warrant a verdict, the first and, indeed, the main point is what sort of evidence the owner of a painting is required to present to a jury to prove that a painting is genuine. The law should be flexible enough to be just, and judicial methods and rules of evidence should in some measure conform to existing conditions. While we cannot take things for granted, less exactitude is sometimes required in proof now than before.

A new situation exists in the world of art. Formerly the church, the state and a few powerful men owned all the fine

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pictures and statuary. Their experts were men who created canvasses or marbles. As some of the owners became impoverished it became necessary to sell their art treasures. Frequently, as antiques passed from family to family or from government to government, their authenticity was frequently questioned. Finally, the pendulum of artistic criticism swung slower and slower, until it usually stopped at an opinion which remained practically standard. But it was always subject to a renewal of criticisms in books or in the press whenever a critic leveled his attacks at a certain work. When wealth increased, and especially when a few men acquired great wealth, and rich men became ambitious to become owners of works of art, new methods arose whereby careful collectors could with reasonable certainty determine the authenticity of art objects. In cases where every witness, as well as the producer, was dead centuries before the question of authenticity arose, some method of establishing authenticity other than the testimony of living witnesses was resorted to. This method was the reading of books by men who had studied the materials and methods of old painters, and taking the opinions of such experts. It happens that but few of these expert critics are themselves painters. If they were their testimony could be quickly tested by profert of their own works. Many critics frankly admit their lack of ability to paint; others state equally frankly that they are critics because it pays them better. It is far from my intention to criticise real critics, but by real critics I mean those who begin with a fact. In my charge to the jury I said upon the subject of experts:

"Before charging you on the general law of the case, I wish to say a word as to expert testimony. You will be wary in accepting the conclusions of experts when such conclusions are not founded upon knowledge, experience and study.

An expert is no better than his knowledge. His opinion is taken or rejected because he knows or does not know more than one who has not studied a particular subject. Assuming that he is of equal intelligence with one who has not studied or special-

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ized in a certain subject, his opinion is better by just so much as he has intelligently considered the subject. But the opinion of some experts who have studied a subject less is better than that of others who have studied that subject more, because they are cleverer in applying what they have learned.

There are two ways that experts in this case can help you with their opinions. One is by their study of the authentic history of a painting. The other by their study of the methods used or materials employed by the painters or schools of painting of the period in which it is claimed the pictures were painted.

Because a man claims to be an expert, that does not make him one. You are to determine just how much of an expert a witness is, and you will determine that by his knowledge, his experience, his study and his ability to assimilate and apply this knowledge, study and experience.

I warn you that in considering the criticisms by one expert of another you will apply the same rule that I have already given you regarding their conclusions; that is, that you will give them weight only as they are borne out by reasons founded on facts."

"The ground for the admission of expert opinion evidence is necessity. The administration of justice requires that, under proper limitations, a jury should receive the assistance of those especially qualified by experience and study to express an opinion on questions of fact relating to art, science or trade. The rule has been stated by the New York Court of Appeals as follows: It may be broadly stated as a general proposition that there are two classes of cases in which expert testimony is admissible. To the one class belong those cases in which the conclusions to be drawn by the jury depend upon the existence of facts which are not common knowledge and which are primarily within the knowledge of men whose experience or study enables them to speak with authority upon the subject. If, in such cases, the jury with all the facts before them can form a conclusion thereon, it is their sole province to do so. In the other class we find those cases in which the conclusions to be drawn from the

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facts stated as well as knowledge of the facts themselves depend upon professional or scientific knowledge or skill not within the range of ordinary training or intelligence. In such cases not only the facts, but the conclusions to which they lead, may be testified to by qualified experts' (Dougherty v. Milliken, 163 N. Y., 527, 57 N. E. 757; Richardson's Cases in Evidence, p. 954; editorial New York Law Journal, March 17, 1927).*** In all cases in which the facts can be placed before the jury by any witness, skilled or unskilled, who is capable of describing them accurately, so that a jury of average intelligence and training can understand them and form a proper conclusion based on them, expert opinion evidence is inadmissible.***

But where the subject matter is of such a technical nature that the proper conclusion to be drawn from the facts depend upon professional or scientific knowledge or skill, qualified experts may express their opinion as to the proper inference to be drawn from a given set of facts as an aid to the jury in reaching their own conclusion in the case before them. In *Mayor v. Pentz* (24 Wend., N. Y., 668) the court reasoned as follows: 'Indeed it would be more logically accurate to say that mere opinion, even of men, professional or expert, is not admissible as such; but that facts having been proved, men skilled in such matters may be admitted to prove the existence of other more general facts or laws of nature, or the course of business, as the case may be, so as to enable the jury to form an inference for themselves. Thus, the existence of certain appearances in the dead body having been proved, the chemist testifies that such appearances invariably or generally indicate the operation of some powerful chemical agent. His scientific opinion is in fact his testimony to a law of nature' (Richardson on Evidence, sec. 527, p. 387)."

"Whether any subject is so far a matter of science, art or trade as to afford reasonable ground for belief that the jury will be aided by the opinion of an expert, is a preliminary question for the trial judge. Within limits prescribed by reason, the admis-

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sibility of the judgments of experts is a matter of administration.***

“On the general subject of qualifications it is likewise important to notice the short and satisfactory administrative rule that the mental powers and other acquired experience of a witness must be such as to make his judgment potentially helpful to the jury” (secs. 2375 and 2382, Chamberlayne on the Modern Law of Evidence).

I have profound respect for critics whose conclusions rest upon facts. What they say should be carefully considered by a jury. The opinions of any other kinds of experts are as “sounding brass and tinkling cymbals.” Some of them expound their theories largely by vocal expression and gesture; others wander into a zone of speculation founded upon nothing more tangible than “psychological correlation.” I do not say this is as absurd as it sounds to a layman, but it is too introspective and subjective to be the basis of any opinion a jury can pin its faith upon. There are also experts who admit that they have no formulas, rules, or ability to produce any artistic thing, but who claim to have a sixth sense which enables some of them after they have seen a picture even for five minutes to definitely determine whether it is genuine or not. I do not say that this faculty may not be possessed by some men, but it is not based upon enough objectiveness to convey definite meaning to a jury. It does happen, though, that some or all of these experts are to-day counseling the purchase or rejection of art objects of great value. The question therefore arises whether their testimony is competent, how competent it is, and what its probative value is. After carefully considering the really great arguments offered by counsel in this case I am of the opinion that expert testimony of the proper sort, in connection with the other facts, is enough to have warranted a verdict in this case and I therefore deny defendant’s motion to dismiss. Point has been made by counsel for plaintiff in his brief that defendant by moving to dismiss because the plaintiff failed to make out his case by a fair pre-

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ponderance of the credible evidence or by the greater weight of the evidence waived his right to dismiss because plaintiff had not produced *sufficient evidence*. But I do not limit my decision to such a narrow point.

The point I have to decide upon this motion to dismiss is not whether the Hahn picture or the Louvre picture number 1600 is a genuine Leonardo. The only question I have to pass upon here is whether there was sufficient evidence before the jury at the end of the defendant's case to enable the jury to render a verdict for plaintiff or defendant.

Concretely put, the real point is whether a dealer or an expert, however famous (and it is conceded that defendant is one of the greatest dealers in old paintings, although he modestly denies that he is an expert in the technical sense), can, without seeing a picture, declare that it is not the product of a certain master, and then when damages are sought for the result of a statement that plaintiff must prove is false, malicious and without probable cause, can contend that the proof of genuineness offered by plaintiff from the mouths of witnesses who have studied the admittedly genuine products of a certain master, familiarized themselves with the material upon which the picture is painted, the pigments used by the artist, his manner of treatment and every characteristic that distinguishes that master's work is not enough to enable a jury to reach a verdict. I do not believe a defendant in such circumstances can contend that the testimony of expert witnesses is not enough to enable the jury to reach a verdict. And this is especially true, because defendant had no way other than through the statements of expert witnesses to reach the conclusions that formed the basis of his opinion given to the New York World, which statement is the basis of Mrs. Hahn's claim.

I make these observations because defendant's memorandum refers to the case of Jendwine v. Slade (2 Espinasse, 572) a case decided about 1799. While the court there said: "There being no way of tracing the picture itself, it could only be a matter of opin-

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ion whether the picture in question was the work of the artist whose name it bore or not," it did after its decision, for some reason, refer the cause to arbitration. I do not know upon what evidence the arbitrators gave their decision, but the learned chancellor said this "opinion" evidence was all the evidence available. The court's opinion quoted in the Jendwine case was written over one hundred years before Professor Laurie wrote on Pigments and Mr. Berensen wrote on Italian paintings, and nearly one hundred years before the X-ray was developed by Professor Roentgen. I have no doubt about the competency of the proof given by expert witnesses as to the authenticity of the pictures they testified about. Its weight is another matter, and that was for the jury. The amount of importance to be attached to what the experts say depends entirely upon the factual basis for their conclusions. It required some mental agility to follow some of the experts from their positive testimony on the stand to the diametrically opposite views they had expressed in their books long before. The case thus resolved itself into a battle between experts.

Plaintiff claims that her picture was the original La Belle Ferronniere painted by Leonardo da Vinci and was formerly in the Louvre Gallery in Paris, and she bases her contentions upon the testimony that the Hahn picture is out of proportion; that it is too short at the bottom for its height at the top, which plaintiff claims shows it was cut off at the bottom. Plaintiff also claims that it contains a band of paint running from left to right at the bottom of the picture, and that this band was painted over the picture some time after it was first painted. And the plaintiff claims that the X-ray shows that under this band are shadows which indicate that before the band was painted over, the picture had the rest of the arm and part of the hand which held the piece of lace, as described at page 3 in a catalogue of Engeraud. In this catalogue under the subject of Leonardo da Vinci (beginning at page 2) on page 3 there is a quotation from the catalogue of Nicholas Bailly, which was published in

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1709 (S. M., p. 1061). This quotation is as follows: 3² (This number 3² is the catalogue number of the Leonardo pictures). "A picture representing a portrait of a women; small life-size figure, being 22 pounces (1.066 inches) high by fifteen and a half pounces wide, in gilt border (frame). Versailles, Small Gallery of the King. mentioned thus by Pere Dan (1642) at Fontainebleau, as probably forming part of the collection of Francis First (who reigned from 1515 to 1547): portrait of a Duchess of Mantua-Inventory of LeBrun (1683), No. 16, with this note added: "Seen in Paris the 8th of August, 1690" (L. B.) (LeBrun). Houasse (1691) mentions it in Paris, with this note added, under the date of the 29th of October, 1692, "Mr. Paillet has given a receipt for these 2 pictures, the other one was a picture by Bellini, to M. Houasse, which are in the small gallery at Versailles" (H.) Paillet mentions it at Versailles and declares it to be painted on wood (P.). In 1696 in the Gallery at Versailles (V.)."

In 1737 (it) is still in the Versailles Gallery, where it is believed to be the portrait of Anne Boleyn (G. R.). Lepicie (1752) describes it thus: "This lady is dressed in a red bodice, with sleeves of the same color, attached with green cords; her hair is dressed short and smooth; her collar is trimmed with a cord: she holds a piece of mesh lace and her forehead is encircled by a black cord with a diamond in the centre. The figure has before her a stone support, "mentioned in the salon of the director of buildings at the Hotel of the Surintendance (superintendent's office) by Jeurat (1760) (J) and by du Rameau (1784): the latter identifies it with Anne Boleyn and declares it to be in "good condition" (D. R.)

Engeraud's note in the catalogue says that there is now "actually in the Louvre Gallery, number 1600, heights o. m. 62, with o. m. 44. The various catalogues of the Louvre putting a faulty construction on Bailly's text had confused this portrait (the Hahn portrait) with that of the Belle Ferronniere. M. Durrieu has rectified this error; it is presumed that this portrait (the

APPENDIX NO. 1

picture now in the Louvre) is that of Lucretia Crivelli, mistress of Louis Le More (S. M., pp. 1060-1-2-3).

Defendant's witnesses insist that the X-rays of the Hahn picture do not sustain the plaintiff's contentions that it is the picture referred to in the Lepecie catalogue.

There was much X-ray evidence regarding the picture number 1600 in the Louvre. This would have had practically no importance if defendant had not said that either the Louvre picture (1600) or the Hahn picture was genuine. In other words, if the jury was satisfied that the Louvre picture was not genuine, under this statement of the defendant they might give that fact some weight as establishing the authenticity of the Hahn picture. Defendant at the trial submitted a great deal of valuable testimony from experts recognized as men of world-wide reputation upon the authenticity of the two pictures, the Hahn picture and the Louvre picture, and some very illuminating evidence upon the X-rays of the two pictures.

The points I have referred to comprise but a small part of the evidence that was before the jury. I merely list them because they are some of the evidence the jury had before them when they disagreed.

Much as I regret that I cannot write an opinion from which there can be an immediate appeal, so that the law may be at once finally fixed without the time and expense of another trial, I am constrained to hold that there was sufficient evidence before the jury to enable them to render a verdict. Indeed, it took them fourteen hours to finally decide that they could not unanimously agree. Even a cursory reading of the record shows the close attention they gave the case, and the highly intelligent questions they asked the experts. To the lay mind, which often resents any verdict that does not accord with opinions they have formed with or without hearing the facts of a case, and which resents the failure of twelve certain men to exactly agree on every point in a case that took nearly four weeks to try, a disagreement offers argument for the abolition of juries. But my

THE RAPE OF LA BELLE

own observation is that their verdicts are usually right. With the world's most famous experts as witnesses, and with the shortening of the case that can easily follow a second trial, it is quite possible that another jury may quickly render a verdict. Motion to dismiss is denied and case is restored to General Calendar to be set for trial by stipulation, or upon motion of either party.

Dated April 13, 1929

Justice Supreme Court.

Appendix No. 2

C. 3-136.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States

vs

Benjamin Duveen et al.

(Copy)

DOCKET ENTRIES

Indictment C-3-136

*CIRCUIT COURT OF THE UNITED STATES

For The

SOUTHERN DISTRICT OF NEW YORK,
IN THE SECOND CIRCUIT.

At a Stated Term of the Circuit Court of the United States of America for the Southern District of New York, in the Second Circuit, begun and held in the City of New York, within and for the District and Circuit aforesaid, on the first Monday of September, in the year of our Lord one thousand nine hundred and ten, and continued by adjournment to and including the 17 day of October, in the year of our Lord one thousand nine hundred and ten.

SOUTHERN DISTRICT OF NEW YORK, ss: The Jurors of the United States of America within and for the district and circuit aforesaid on their oath present that Benjamin Duveen, Henry J. Duveen, Joel J. Duveen, Joseph J. Duveen, and Louis J.

THE RAPE OF LA BELLE

Duveen, late of the City and County of New York in the district and circuit aforesaid, heretofore, to wit, on the 10th day of February, 1908, at the Southern District of New York and within the jurisdiction of this Court, did unlawfully, knowingly and fraudulently conspire to defraud the United States by means of false and fraudulent invoices, entries, statements, affidavits and other false and fraudulent devices.

And it was part of said conspiracy that said Benjamin Duveen, Henry J. Duveen, Joel J. Duveen, Joseph J. Duveen, and Louis J. Duveen, should import and bring into the United States from foreign countries goods, wares and merchandise subject by law to duty at less than the true value of such merchandise by means of false and fraudulent classification and description of such merchandise. And in pursuance of said conspiracy the aforesaid defendants did knowingly and wilfully make and cause to be made in the countries from which said merchandise was to be brought false and fraudulent consular invoices purporting to cover such merchandise, which said invoices were false and were known to the aforesaid defendants and each of them to be false in that the said invoices falsely stated the value and cost price of the said merchandise at much less than the true value and cost price, and falsely and fraudulently stated the description of such merchandise with the intent that such consular invoices should be transmitted to the Custom House at the Port of New York and there used for the final liquidation of the duties on the merchandise purporting to be covered by such invoices. And it was further a part of the said conspiracy for the aforesaid defendants and each of them to make and cause to be made in the country from which the said merchandise was to be brought to the United States of a second and separate invoice herein referred to as a "private invoice", which said private invoice correctly stated the description and value of the said merchandise purporting to be covered by it with the intent that the said private invoice should be transmitted to the defendants aforesaid in New York. And it was further a part of the said conspiracy that the defendants

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and each of them should receive the merchandise purporting to be covered by the said false and fraudulent consular invoices and by the private invoices aforesaid in New York, and enter it through the Collector of Customs at the Port of New York upon the false and fraudulent statements contained in the aforesaid consular invoices, and that the said private invoice covering the same merchandise as its corresponding consular invoice should be concealed and secreted by the aforesaid defendants and used by them in and for the purposes of the sale and other transactions touching such merchandise exclusive of customs purposes and with the intent that by means of duplicate invoices aforesaid, and particularly by means of false and fraudulent consular invoices such merchandise should be entered into the commerce of the United States through the Collector of the Port of New York at less than its true value and by means of false classification and description, whereby the United States might be and was deprived of a portion of the lawful duties accruing upon such merchandise. And in order to effect the object of the said conspiracy and in pursuance thereof, Henry J. Duveen did, on the 10th day of February, 1908, make an entry with and through the Collector of the Port of New York of certain merchandise, to wit, three (3) vases, by means of filing with the said Collector a false and fraudulent consular invoice and entry paper, and by means of a false statement and affidavit, which said invoice, entry paper, affidavit and statement were then and there to the knowledge of the said Henry J. Duveen false; the invoice in that it falsely stated the true foreign value and cost price of the said three (3) vases to be 227 pounds, 10 shillings, and in that it stated the three (3) vases aforesaid to be Japanese Vases, damaged; and the entry paper, in that it falsely and fraudulently stated the description and cost price of the said three (3) vases to be the same as that given in the consular invoice; and the affidavit in that it stated that the said Henry J. Duveen knew of no other invoice covering the same merchandise. And the aforesaid consular invoice, entry and affidavit were filed by the

THE RAPE OF LA BELLE

said Henry J. Duveen with the Collector of the Port of New York with the intent and purpose that the same should be used in the liquidation of duties on said merchandise, all of which was then and there well known to the defendant, Henry J. Duveen, by means whereof the United States was deprived and defrauded of a portion of the lawful duties accruing on the said merchandise; against the peace of the United States and their dignity and contrary to the form of the statute of the United States in such case made and provided.

(R. S. Section 5440)

SECOND COUNT

And the Jurors aforesaid on their oath aforesaid do further present that the said Benjamin Duveen, Henry J. Duveen, Joel J. Duveen, Joseph J. Duveen and Louis J. Duveen, late of the City and County of New York, in the district aforesaid, heretofore, to wit, on the 10th day of February, 1908, at the Southern District of New York, and within the jurisdiction of this court, did unlawfully and knowingly effect and aid in effecting an entry of certain goods, wares and merchandise, to wit, three (3) certain vases then and there imported into the United States by the said Benjamin Duveen, Henry J. Duveen, Joel J. Duveen, Joseph J. Duveen, and Louis J. Duveen, from a foreign country, to wit, England, Ex. Steamship "Lucania" and dutiable by law, said entry being effected by the aforesaid Benjamin Duveen, Henry J. Duveen, Joel J. Duveen, Joseph J. Duveen, and Louis J. Duveen at less than the true value and cost price of the said goods, wares and merchandise, and by a false and fraudulent description, namely, Japanese vases, damaged, of the value of One thousand one hundred and seven (\$1107) Dollars, whereas, in truth and in fact, the true cost and foreign value of the said three (3) vases was much greater than One thousand one hundred and seven (\$1107) Dollars, and was Twenty-eight thousand and seventy-five (\$28075) Dollars. And the said three (3) vases were not in fact correctly described as Japanese Vases, damaged,

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but were in fact three (3) fine black vases with stands, as they, the said defendants, Benjamin Duveen, Henry J. Duveen, Joel J. Duveen, Joseph J. Duveen, and Louis J. Duveen, then and there well knew.

And the said entry of the aforesaid three (3) vases through the Collector of Customs was effected by the aforesaid Benjamin Duveen, Henry J. Duveen, Joel J. Duveen, Joseph J. Duveen, and Louis J. Duveen, by means of a false and fraudulent consular invoice, entry and affidavit which were then and there well known to the defendants aforesaid to be false and fraudulent; the consular invoice, in that it falsely and fraudulently stated the cost price and foreign value of the said three (3) vases to be Two hundred twenty-seven (£227) pounds, ten (10) shillings, whereas, in fact, it was much greater than said sum, and was approximately the sum of twenty-eight thousand and seventy-five (\$28075) Dollars; the entry, in that it stated the dutiable value of the said merchandise to be One thousand one hundred and seven (\$1107) Dollars, whereas, in fact the said dutiable value was then and there much greater than the said sum, and was Twenty-eight thousand and seventy-five (\$28075) Dollars, all of which was then and there well known to the said defendants and the affidavit and statement of the importer which was a part of the device used in effecting the said entry was false in that it was therein stated that the maker of the statement, the aforesaid Henry J. Duveen, did not know of, nor believe in the existence of any other invoice or bill of lading, whereas, in fact the said Henry J. Duveen then and there well knew of the existence of a private invoice covering the aforesaid goods in which the dutiable value thereof was stated to the Twenty-eight thousand and seventy-five dollars (\$28,075).

And the aforesaid consular invoice, entry paper and declaration which were then and there known to the defendants and each of them to be false and fraudulent were filed and caused to be filed by the said defendants with the collector of Customs

THE RAPE OF LA BELLE

at the Port of New York with the intent and purpose that they should be used in liquidating the duties on the merchandise purporting to be covered thereby, by means whereof, the United States was deprived of a portion of the lawful duties accruing on said merchandise; against the peace of the United States and their dignity and contrary to the form of the statute of the United States in such case made and provided.

(Section 9 of the Act of June 10th, 1890, as amended.)

HENRY A. WISE

U. S. Attorney.

Endorsed:

U. S. Circuit Court, Southern District, N. Y., John A. Shields, Clerk, Filed Oct. 17, 1910.

1910:

Oct. 17 Defts. B. Duveen and J. J. Duveen plead Not Guilty 1 week to withdraw. Bail: B. Duveen \$50,000 H. J. Duveen, \$75,000. Filed recognizance.

Oct. 31 Filed demurrer B. Duveen.
Filed demurrer H. J. Duveen.

1911:

Mch. 27 Joseph J. Duveen pleads guilty. Fined \$10,000 Louis J. Duveen pleads guilty. Fined \$10,000. Fines paid.

May 24 Henry J. Duveen pleads guilty. Fined Fifteen Thousand Dollars.

Dec. 4 Benjamin Duveen pleads guilty. Fined \$15,000. Paroled.

1912:

Feb. 5 Nolle Prosequi entered as to Joel J. Duveen.

UNITED STATES OF AMERICA,

ss:

SOUTHERN DISTRICT OF NEW YORK,

I, ALEXANDER GILCHRIST, Jr., Clerk of the District Court of the United States for the Southern District of New York, do

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hereby Certify that the Writings annexed to this Certificate, namely, Indictment filed October 17, 1910, entitled The United States of America against Benjamin Duveen and others.....
.....have been compared by me with their originals on file and remaining of record in my office; that they are correct transcripts therefrom and of the whole of the said originals.

IN TESTIMONY WHEREOF I have hereunto subscribed my name and affixed the seal of the said Court at the City of New York, in the Southern District of New York, this first day of June, in the year of our Lord One Thousand Nine Hundred and twenty-three, and of the Independence of the said United States the One Hundred and Forty-seventh.

Seal of the District Court of the United States

Alex Gilchrist, Jr.
Clerk

May 24 Deft. H. J. Duveen pleads guilty. Fined \$15,000. Recognizance cancelled.

1912:

Feb. 5 Filed recommendation for nolle pros.-Joel Duveen dead.

Feb. 5 Nolle Pros. entered as to Joel J. Duveen.

1911:

Dec. 4 Deft. Benjamin Duveen pleads guilty.

Dec. 4 Deft. Benjamin Duveen sentenced to pay a fine of \$15,000

A TRUE COPY

A. W. Gilchrist, Jr.
Clerk.

Seal of district court of United States.
Filing.

THE RAPE OF LA BELLE

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES
vs.
BENJAMIN DUVEEN
HENRY J. DUVEEN
JOEL J. DUVEEN
JOSEPH J. DUVEEN
LOUIS J. DUVEEN

Henry A. Wise, U. S. Atty.
Corlie H. & Stern for
Defts. 60 Wall St.
John B. Stanchfield, of
Counsel.
C. 3-136.
Sec. 5440, Act. June 10,
1890 as amended Sec. 9.

DOCKET ENTRIES

1910:

Oct. 17 Filed indictment.

Oct. 17 Defts. B. Duveen & H. J. Duveen arraigned, plead not
guilty with leave to withdraw within one week.

Oct. 17 Bail fixed in sum of \$50,000 as to B. Duveen.

Oct. 17 Bail fixed in sum of \$75,000 as to H. J. Duveen.

Oct. 17 Filed recognizance of B. Duveen.

Oct. 17 Filed recognizance of H. J. Duveen.

Oct. 31 Filed demurrer of Benjamin Duveen.

Oct. 31 Filed demurrer of Henry J. Duveen.

Nov. 29 Filed order for bail (Two certificates of deposit, one for
\$75,000 and one for \$50,000 in an envelope in small safe
in Room 827.

1911:

Jan. 30 H. J. Duveen called & failed to answer.

Mch. 27 Deft. Jos. J. Duveen pleads guilty-fined ten thousand
dollars paid

Mch 27 Deft. Louis J. Duveen pleads guilty-fined ten thousand
dollars paid.

Apr. 7 Filed order & receipt for two certificates of deposit.

1911:

Appendix No. 3

OFFICIAL REPORT OF MONSIEUR HENRI STEIN

Curator National Archives

Paris, France

Le tableau que l'on a l'habitude de décrire sous le nom de "Portrait de la belle Ferronnière" se distingue par une chaîne placée sur le front de ce portrait de femme et portant au milieu un diamant, d'où son nom. Mais il n'en a pas toujours été ainsi, et des confusions qui se sont établies de très bonne heure entre ce tableau et un autre ouvrage attribué au même peintre (Léonardo de Vinci) ont duré presque jusqu'à nos jours.

Il importe donc de bien les distinguer.

La première mention que l'on ait de l'un de ces tableaux dans les collections royales se trouve dans l'ouvrage du P. Dan, Merveilles de Fontainebleau (16 qui, p. 135, l'appelle un "portrait d'une duchesse de Mantoue". On le retrouve mentionné successivement : En 1683, dans l'inventaire des tableaux du roi, par LeBrun (Archives nationales, O¹1964) sous cette forme : "Un portrait de profil, de Léonard de Vinci, représentant la belle Ferronnière, demie figure, hault d'un pied 6 pouces sur un pied 1 pouce de large, peint sur bois avec sa bordure dorée, n° 17."

En 1691, dans l'inventaire dressé par Houasse (Archives nationales, O¹1964) : "Un portrait de profil, de Léonard, etc; n° 17", et en marge une annotation : "Est à Versailles et le sieur Paillet en a donné récépissé au sieur Houasse le 29 octobre 1692."

En 1706, il est indiqué dans un nouvel inventaire (Archives nationales, O¹1970, p. 91) comme étant toujours à Versailles et placé dans le Cabinet de la Surintendance, sous cette forme : "Une teste de femme de pro. il

THE RAPE OF LA BELLE

nommée communément la belle Ferronnière, figure de petite nature, ayant 18 pouces $1\frac{1}{2}$ de haut sur $13\frac{1}{2}$ de large, peint sur bois, bordure dorée."

18 pouces $1\frac{1}{2}$ sur $13\frac{1}{2}$, cela fait exactement Om50 de haut sur Om35.

L'inventaire de Bailly, de 1709 (publié par Engernd en 1899) mentionne de même (page 4) "une tête de femme de profil nommée communément la belle Ferronnière, de 18 pouces $1\frac{1}{2}$ sur $16\frac{1}{2}$ de large, sur bois, bordure dorée;

Celui de Jesurat, dressé en 1760 (Archives nationales O 1965), l'indique (page 28) comme étant dans les appartements du marquis de Marigny à Versailles.

Enfin le "Catalogue raisonné des tableaux du roy", par Lépicié (1752), t. I, p. 13, est plus explicite : "Une tête de femme de profil, nommée communément la belle Ferronnière; ce tableau peint sur bois a de hauteur 18 pouces $1\frac{1}{2}$ sur 13 pouces $1\frac{1}{2}$ de large; figure de petite nature; cette femme a pour coiffure une toque de velours rouge, bordée d'une espèce de broderie en or et terminée du côté de l'étoffe par un rang de perles, un voile noir accompagne la toque et tombe sur les épaules; la robe est d'une étoffe gros bleu; ce profil est d'une précision étonnante et ne laisse rien à désirer pour le fini de l'exécution."

Ce tableau, venu de Fontainebleau, sera donc arrivé à Versailles en 1692 et y sera resté pendant tout le XVIII^e siècle. On perd sa trace jusqu'au jour où il est mentionné dans les catalogues du musée du Louvre, catalogue Villot (1849), n° 302, avec la même désignation que dans

APPENDIX NO. 3

l'inventaire Bailly et l'inventaire Lépicié, et avec les mêmes mesures; catalogue Both de Tautzia (1883), n° 466 avec attribution douteuse à Léonard de Vinci; catalogue Hauteccœur (1927), n° 1605, avec l'indication des attributions variées de divers auteurs. Rigollot, dans son Catalogue de l'oeuvre de Léonard (1849), le donne bien décrit sous le n° 62.

A noter que, bien qu'il ait été transporté à Versailles dès 1692, on lit dans l' Correspondance de Madame [duchesse d'Orléans] (édition Brunet, t. II, 1891; p.354) à la date du 3 décembre 1721 : "On voit à Fontainebleau dans le cabinet de la Reine le portrait de la belle Ferronnière qui avait tant plu à François Ier; il la fit peindre en profil." C'est bien le même portrait de profil, mais c'est un tableau différent du premier. Ne serait-ce pas une copie?

Nous venons de rendre compte des vicissitudes par lesquelles a passé le tableau attribué à Léonard de Vinci (ou à son école) et auquel on a faussement donné l'appellation de "belle Ferronnière".

Passons à une autre oeuvre du même artiste à laquelle cette appellation convient infiniment mieux.

Il s'agit d'un portrait qui paraît bien provenir également des collections royales et du palais de Fontainebleau, mais que le P. Pan (1642) ne désigne pas nommément; il parle seulement de cinq tableaux de ce peintre (Léonard) qui ornent le Cabinet des peintures de ce palais. Mais nous le trouvons cité dans l'inventaire des collections royales par Le Brun (1683) sous cette forme: "N° 16.

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Portrait, tiré du Cabinet de Fontainebleau, manière de Léonard de Vinci, d'une femme demie figure, sans mains, hault de 1 pied 10 pouces sur 1 pied 4 pouces de large peint sur bois avec sa bordure dorée". Ce n'est plus un portrait de profil, c'est un buste sans mains, mais c'est toujours une peinture sur bois, et les mesures ne sont plus les mêmes : le tableau est sensiblement plus grand : 1 pied 10 pouces sur 1 pied 4 pouces, c'est à dire Om594 sur Om 419.

L'inventaire de Houasse ne le mentionne pas, mais il est compris dans l'Inventaire des tableaux passés dans les appartements de Versailles le 1er novembre 1695 (Archives nationales, O¹1964) sous cette rubrique : "n° 18 Portrait d'une femme sans mains, de Léonard de Vinci"; - entre temps il avait figuré à Paris : "Veu à Paris le 8 aoust 1690".

C'est sans doute le même que désignent les inventaires de Versailles en 1706, et de Bailly en 1709, page 3 : " Un tableau représentant un portrait de femme, de 22 pouces de haut sur 15 pouces 1/2 de large, dans une bordure dorée", bien que la dimension en largeur soit légèrement différente, 15 pouces 1/2 équivalant à Om44 (soit 0.02 centimètres environ en plus), ainsi que la dimension en hauteur, 15 pouces 1/2 équivalant à Om62.

Le "Catalogue" Lépicié, en 1752, le donne plus grand encore en le décrivant en détail : "Un portrait de femme ayant de hauteur 23 pouces sur 16 de large, figure de petite nature. Cette dame est vêtue d'un corps de robe rouge avec les manches de la même couleur attachées avec

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des cordons verts; elle est coiffée de cheveux courts et liés; son col est orné d'une cordelière; elle tient un morceau à dentelle à réseau; et son front est ceint d'une gance noire avec un diamant au milieu.

Ce portrait est du même faire que les autres ouvrages de Léonard. Il y a beaucoup de vérité dans la tête; l'expression en est agréable et spirituelle, la figure à devant elle un appui de pierre."

L'inventaire de Jesurat est par contre tellement laconique qu'il ne peut nous être d'aucune utilité.

Mais il y a évidemment dans la description de Lépicier un renseignement très précis, est qui ne laisse pas que d'être extrêmement troublant: comment cette femme sans mains des autres inventaires peut elle tenir "un morceau de dentelle à réseau"? Cette différence capitale, jointe à la différence dans les dimensions, doit-elle permettre de supposer qu'il s'agit de deux peintures sur bois différentes?

Le tableau conservé aujourd'hui au musée du Louvre sous le n° 1600 et sous le nom de Léonard de Vinci correspond bien à la description donnée par Lépicier, au point de vue coiffure et costume; seul le morceau de dentelle à réseau n'y figure pas.

Quoi qu'il en soit, le tableau décrit par Lépicier a exactement les mêmes dimensions (0m62 sur 0m44) que celui qui est exposé aujourd'hui au Louvre, après avoir figuré dans la Notice de 1810, n° 1025 (Portrait d'une femme inconnue); dans le Catalogue de 1837 (robe rouge ornée de broderie, tête de trois quarts, cheveux liés,

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gensse noire retenue par un diamant); dans le catalogue Villot de 1849, n° 239; dans le Catalogue Both de Taurasia de 1883, n° 461; dans le Catalogue le plus récent d'Hauteboeur, n° 1606.

C'est ce tableau qui est reproduit dans les ouvrages de Filhol et de Landon, et à propos duquel Rigollet, dans son "Catalogue de l'oeuvre de Léonard", ~~1849~~ (Paris 1849), tout en l'identifiant à tort avec le portrait de la duchesse de Mantoue cité par le P. Jan, écrit (n° 61) : "C'est sans aucun fondement que le portrait de femme vue de trois quarts, ayant les cheveux lissés et le front ceint d'une gensse noire retenue par un diamant (feronière), qui est au Louvre, a été regardé comme celui d'une maîtresse de François Ier appelée la belle Féronière et qui était morte avant que Léonard ne vint en France."

Il ne saurait être question d'y voir une peinture qui aurait été à une certaine époque coupée par le bas, puis-que les dimensions du tableau actuellement exposé au Louvre sont les plus grandes que l'on puisse constater, ~~être~~ en admettant qu'il s'agisse d'une autre peinture que la femme sans mains des inventaires de 1683 et de 1695.

Si l'on veut admettre l'existence de plusieurs images semblables ou légèrement différentes de cette mystérieuse femme on voudra bien remarquer d'abord que l'autre tableau attribué à Léonard de Vinci, comme nous l'avons fait observer, se voyait encore à Mont inoblean en 1721 alors qu'il avait été transporté à Versailles dès 1692.

Et ce cas n'est pas unique.

APPENDIX NO. 3

A Fontainebleau également, l'ancien autel de la chapelle Saint-Saturnin avait été décoré d'un tableau de Sebastiano del Piombo, la Visitation, qui faisait partie, comme ceux de Léonard, de la collection de François Ier. Il est resté à cette place jusqu'au temps de Henri IV qui en fit faire une copie par Josse de Voltigem et que l'on substitua à l'original, transféré au cabinet des Peintures; les choses étaient en cet état lorsque le P. Dan rédigeait son livre. L'un des exemplaires, l'original sans doute, fut retiré par Louis XIV de Fontainebleau pour être transféré à Versailles où l'on peut le suivre en 1695 et en 1706, puis à Paris depuis 1715 (c'est celui qui figure au Louvre sous le n° 1352), tandis que l'autre demeurait à Fontainebleau et apparaît dans l'inventaire de Bailly en 1709 avec la mention "Fontainebleau".

Henri IV n'aurait-il pas fait exécuter également des copies des tableaux de Léonard de Vinci? S'il est impossible de l'affirmer, l'hypothèse ne serait pas invraisemblable.

Paris, le 3 Juin 1929.

Henri Stein

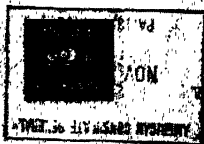
Consulate General of the United States of America,
City of Paris,
Republic of France

25

I, John R. Wood, Vice Consul of the United States of America at Paris, France, residing therein, duly commissioned and qualified, declare that the documents from which the annexed photographs Nos. 1 to 65 were taken, are on file in the offices of the Archives Nationales at Paris, France, and are certified according to the form in use in France.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of the Consulate General of the United States of America, at Paris, France, this 29th day of November 1929.

211120



John R. Wood
John R. Wood,
Vice Consul of the United States
of America, at Paris, France.

United States Consul General, Paris, France, certification of documents from the Nationale Archives, Paris, France.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA
CITY OF PARIS, DEPARTMENT OF FRANCE

P - 94935

Le mil neuf cent vingt neuf, le quinze
Novembre,



A la requête de Monsieur HENRI, domicilié ac-
tuellement à Dinard, 20 rue Livavasseur,

J'ai André-Marcel LEFÈVRE, Huissier près le Tribunal Civil de la Seine
à Paris, y demeurant, 2, Rue Poissonnière, 31 Rue de Cléry, soussigné.



FORTEUR d'épreuves photographiques à moi re-
mises par le requérant constatant les originaux
déposés aux ARCHIVES NATIONALES à Paris et concer-
nant partie de l'histoire de la peinture d'une
époque,

Me suis transporté à Paris, 60 rue des Franca-
Bourgeois, aux ARCHIVES NATIONALES, autorisé à cet
effet et présenté par Mr Stein, Conservateur Hono-
raire desdites Archives, à l'effet de certifier que
lesdites épreuves sont bien tirées des documents
renfermés aux Archives,

Où étant : Après avoir numéroté chaque épreuve
photographique, la première portant le n° 1 et la
dernière le n° 65, un employé de cette administra-
tion me communique les originaux;

Je constate que les photographies dont je
suis porteur sont conformes aux originaux et je les
annexe à mon présent procès-verbal après avoir
inscrit la certification au dos de chaque épreuve.

Telles sont les constatations que j'ai faites
à titre de simple comparaison, et desquelles, sur
requisition, j'ai dressé le présent procès-verbal
pour servir et valoir ce que de droit.

Cont. trois cent vingt neuf

*Cont:
bonds orig. 5.60
frais 15
2.11 50
Simble annexes 254
Rel-*

305 Subscribed and sworn to before me
this 14th day of November 1929

John W. Brown
Vice Consul of the United States
of America at Paris, France

13749



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